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NOVEMBER 1970

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Letters

From Ruin to Reelection

As one who assisted Congressman Gallagher during the time he executed "the most brilliant evasive tour de force in American annals," as contributing editor James Boyd so generously phrased it in your September issue ["The Ritual of Wiggle: From Ruin to Reelection"], I must point out that Mr. Gallagher's success was equally the result of his innocence. Every federal agency to which Life alluded refuted the charges; even the man who allegedly removed a body from Mr. Gallagher's basement said his own story was a lie.

Mr. Boyd, the Xerox Kid, continues his high standard of reproduction and regurgitation, a fuzzy facsimile of the original investigative reporting which customarily distinguishes The Washington Monthly.

CHARLES WITTER
Washington, D.C.

To say that James Boyd's article ["The Ritual of Wiggle"] is a well-written one would be paying a hollow compliment. Rather let me quote (or misquote) something that I read some time ago, of which I have been unable to locate the exact source:

> When Demosthenes speaks, the people say, "How beautiful his words."
> When Cicero speaks, the people say, "Let's march on Sparta."

Reading your article makes one want to go out and hang a random handful of politicians from the nearest light poles. There would be no innocents among them; only some, perhaps, who haven't been caught—yet.

Keep up the good work. Perhaps if we had more articles like this from Mr. Boyd and other good writers, we could instill a little awareness into the public.

I.L. VISHKOFF
Miami, Fla.

Politics of Peace

Sam Brown never really keyed into the prime reasons for the National Moratorium's failure in the anti-war movement ["The Politics of Peace," August]. If he had, he could have been the man he never was.

Canvassing operations and educational campaigns are indeed tedious and unglamorous and take a goodly number of people to achieve success. Discussions with National in November and December led us to believe that they were uninterested in using these vehicles as a means of reaching into the small towns of so-called Middle America.

Yet, they expended nearly three months in a far-fetched dream of sending troupes of stars and artists to Vietnam knowing full well the possibility of getting Department of Defense sanction was practically nil.

To blame November 3 and the Mobe for the failure of the Moratorium is sheer evasion of truth. It was the self-induced inertia of the Moratorium leadership following October 15 and the President's speech which was the prime cause of the resultant collapse of the National Moratorium five months later. If, on November 4, a press conference had been called to announce well-developed peace programs along with a strong rebuttal to the Administration's Southeast Asian policy, that would have established the Moratorium as *the* peace group in the country, but the leaders were mute and programless, again falling prey to the far left and the far right.

Sam Brown indulged himself and crippled a large segment of the peace movement when he announced on April 20, 1970, that the National Moratorium was going out of business, because "the leaders were tired, the Moratorium was becoming bureaucratic, and the debt was too large to overcome." If the Moratorium became

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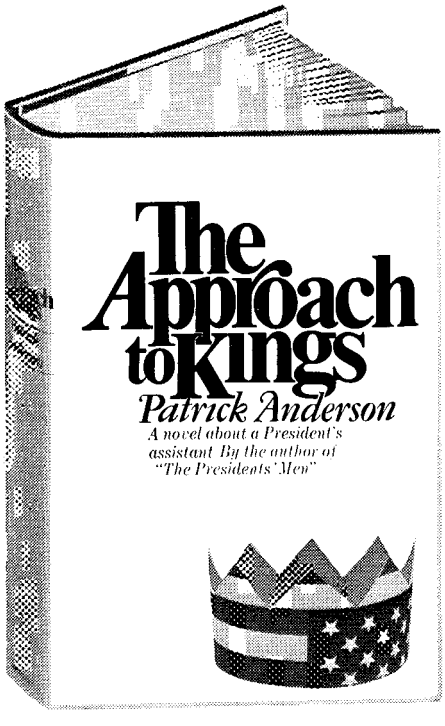

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"tired" after less than one year, one wonders how deep a commitment to peace Sam Brown has.

MURRAY Z. SCHARFSTEIN
New York, N.Y.

Mr. Scharfstein is with the N.Y. Vietnam Moratorium Committee.

Mr. Sam Brown's "On The Politics of Peace" is a cogent, pragmatic, and necessarily responsible approach to a problem Vietnam critics have been unable to successfully confront: the problem of adopting tactics that the common man can relate to, in order to convince him that the war is wrong. If Mr. Brown's most pragmatic approach were to be employed, perhaps by sacrificing Rubin for Lindsay, we would in the end be able to persuade the President to sacrifice Strom Thurmond for Mark Hatfield.

HARLEY F. PINSON
Oakland, Calif.

Congress and Pollution

It would be impossible in a short commentary to treat all of the writers' misconceptions in "Congress and Pollution: The Gentlemen's Agreement" by Douglas Ross and Harold Wolman [September]. I shall, therefore, restrict my comments primarily to the Air Quality Act of 1967 over which I had final staff responsibility, and the misleading remarks about Senator Jennings Randolph, with whom I have been associated for 12 years.

Senator Edmund S. Muskie, Chairman of the Air and Water Pollution Subcommittee, has repeatedly commended Senator Randolph for his contributions to environmental legislation, and with respect to the National Air Quality Standards Act of 1970, he wrote to Senator Randolph: "The leadership and direction which you gave to the full committee facilitated our handling of the legislation and substantially aided in the formulation of this vital measure. I want you to know how much I appreciate your contributions to the National Air Quality Standards Act. As Chairman of the Public Works Committee you have always contributed to the passage of effective pollution control legislation."

Senator Randolph did not argue that "a determination of health hazards posed by sulfur oxides should be postponed until technology was developed to control sulfur oxides emission." He argued that criteria on sulfur oxides were not meaningful except in relation to criteria on particulates. And he argued that meaningful standards of emission could not be developed apart from control technology for both particulate emissions and sulfur oxide emissions. This position was reflected in the Air Quality Act of 1967, with a refinement of the meaning of "ambient air quality criteria"; the sulfur oxides criteria were refined accordingly, though with virtually the same final permissible health levels as originally published, and four additional sets of pollutant criteria and control technology documents have since been published under authority of that Act.

The basic assumption of writers Ross and Wolman, that effective pollution abatement legislation will be torpedoed by a gentlemen's agreement between the Congress and advocates of industrial growth, was refuted about the time their article was published. On August 19, 1970, the Subcommittee on Air and Water Pollution reported the most stringent air pollution measure yet developed. Despite a great outcry from some segments of industry, the full Committee on Public Works unanimously reported substantially the same measure, and the Senate approved it by a vote of 73 to 0. As this letter is being written, the bill is now in a Senate-House Conference Committee.

In this legislation, as in all of the major pollution abatement and environmental improvement legislation of the past five years, Senator Randolph has played a leading role. Nor has his dedication to the public welfare been limited to this area. Senator Randolph has 'so been a leader in the field of Federal aid to education, in advancing programs for the elderly, and in improving standards for occupational health and safety—to name but a few areas of his most active concern. The record of Senator Randolph in environmental legislation, as in other fields, deserves better than the jejune musings and sophomoric application of the conspiratorial theory of history of writers Ross and Wolman.

RICHARD B. ROYCE
Washington, D.C.

Mr. Royce is chief clerk and staff director of the Senate Committee on Public Works.

Co-author Harold Wolman replies:

I have no quarrel with the long list of accomplishments in areas other than pollution control which Mr. Royce attributes to Senator Randolph. Randolph is not a bad man, or even a bad Senator, nor did our article mean to imply that he is.

However, Mr. Royce's attempted defense of his own and Senator Randolph's role in the Air Quality Act of 1967 and the sulfur oxide controversy is both misleading and hopelessly self-

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serving, and that should be dealt with.
In reply, I quote the Nader report, *Vanishing Air*:

> The most potent weapon the industry had was West Virginia's own Senator Randolph. The Senator was wheeled out to intimidate HEW with a series of letters whose tone could not have made the coal interests happier if they had been drafted by Moody [President of the National Coal Policy Conference] himself.

In case a more academic and somewhat milder presentation is preferred, I would refer Mr. Royce and other interested readers to J. Clarence Davies' *The Politics of Pollution*. Dr. Davies, a former Budget Bureau examiner for environmental and consumer protection, writes in reference to another West Virginian, Representative Harley Staggers:

> His consitutents have a strong stake in protecting the coal industry, but Staggers has usually been able to rely on his fellow West Virginian, Jennings Randolph, the Chairman of the Senate Public Works Committee, to watch out for the interests of the coal companies.

On the Air Quality Act of 1967, Davies comments (p. 57):

> The influence of Senator Randolph had also left its mark on the bill. A separate authorization for pollution research, a requirement that HEW reconsider its criteria for sulphur oxides and that all future criteria be accompanied by recommended control techniques, the establishment of several advisory committees to HEW to ensure that industry opinion would be heard. . ... were among the contributions made by the Senator from West Virginia.

Davies' book has an introduction written by the same Senator Muskie whose statement Mr. Royce produces to convince us of Senator Randolph's *bona fides*. Muskie calls Davies book "an excellent guide."

The overriding miscalculation Mr. Royce makes is his underestimation of the readers of *The Washington Monthly*. They are not, I suspect, quite as unconscious of the realities of power politics as he would like to think. Certainly, Mr. Royce's seeming naivete does credit neither to his own very considerable understanding of the uses of power, nor to his apparent opinion of this magazine's readers.

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LOYALTY

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THE CULTURE OF BUREAUCRACY:

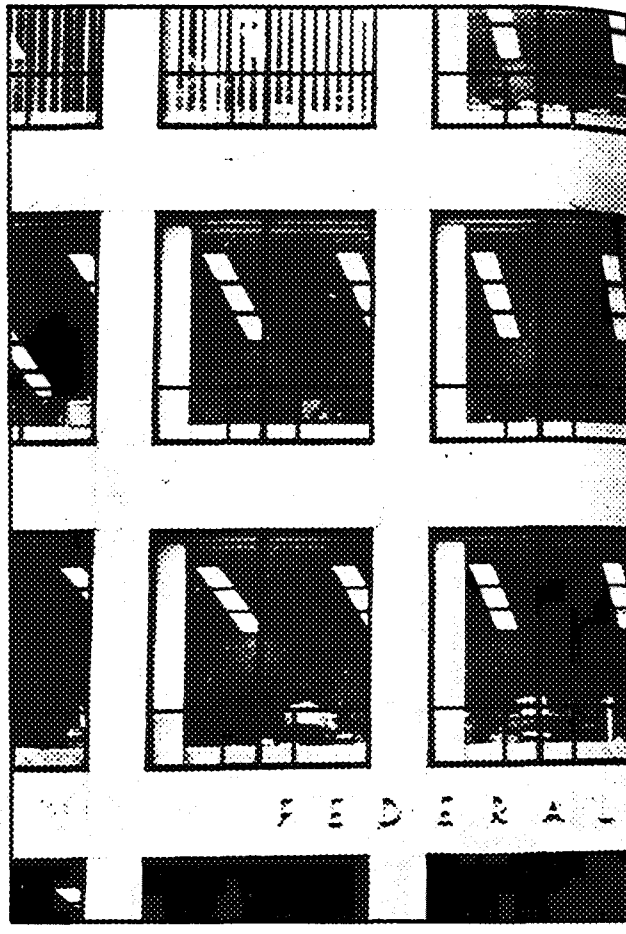
We're All Working for the Penn Central

by Taylor Branch

I. The Conflict

PEBSI says a lot about bureaucracy. When program coordinator Christopher A. Thorne revealed his plans for Programs Evaluation by Summer Interns a year ago, a defensive premonition was inhaled by scores of career civil servants at HEW. For Thorne, a politely radical and thoroughly sane black GS 12, wanted "to field-test the concept of using non-professionals and members of communities to which HEW programs are targeted as information gatherers and analysts in order to provide the Department with insights into means of improving its services." In de-memoed language, he wanted to send a mottled assortment of temporarily deputized non-bureaucrats, probably malcontents, out in "the field" to evaluate the programs for poor people. Worse still, he wanted them to ask the legendary consumer of programs, the Low-Income Individual, what *he* thought of HEW's efforts to help him control his own destiny.

The PEBSI project was given $900,000 to evaluate 15 selected HEW programs in seven cities and the three migrant labor streams during the summer of 1970. The basic legwork was done by 150 summer interns—mostly black and Mexican-American university students who came from neighborhoods like the program "target areas." The plan was that their ethnic origins, their lack of suburban dignity, and that clinical smell of the educated white benefactor, would help them get better, saucier, less boring information from the programees. Also, PEBSI planners calculated that their explicit status as one-shot operators without concern for the next contract



Taylor Branch is a managing editor of The Washington Monthly. *Some of the original research for this article was contributed by Herbert E. Stats.*

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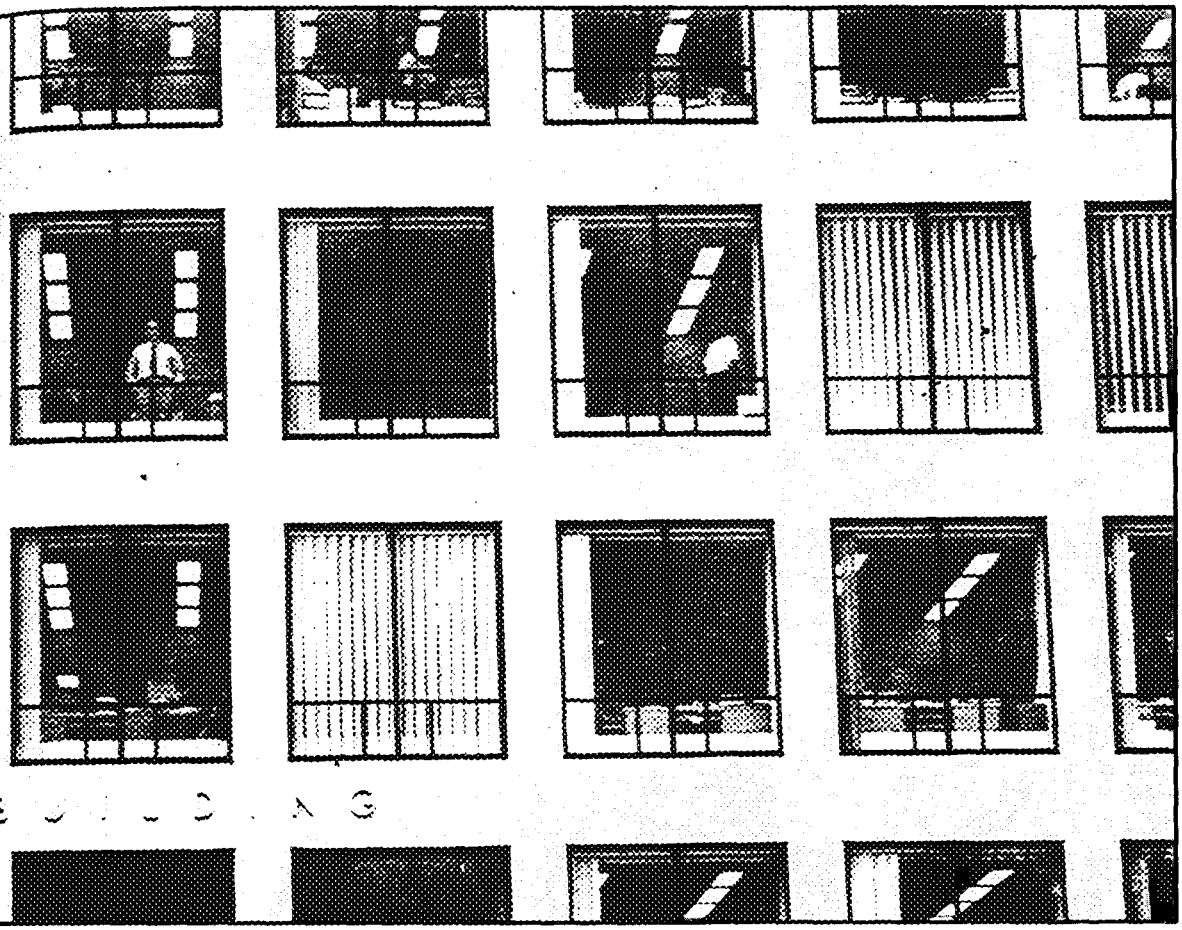

Photographs by Neil Maurer

would reduce their interest in buttering up the programmers. And the Washington PEBSI office was convinced that these advantages would not mean less competent analysis or less rigorous testing, if they could find the brightest of the ethnic graduate students—those who had beaten poverty without forgetting or belittling it.

The completed PEBSI reports will go through the Assistant Secretary of HEW for Planning and Evaluation to Secretary Elliott Richardson himself. This is a novel arrangement, for department heads have generally relied on program channels for evaluative information about their own programs. "Until three or four years ago, the Secretary had no funds and no mechanism for independent information about the Department's programs," said an assistant to Secretary Richardson. He could go to

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the General Accounting Office for an audit to make sure that money was not being stolen, but if he wanted to know how a project was working, he had to send a request down through channels—ultimately to the agency operating the program. The answer would bubble up, percolate round and round through the checkpoints and sign-off sheets, suffer amendments, argument, and delay, and finally materialize in the Secretary's office as a wagon-load of documents suggesting tentative trends, marginal weaknesses, and begging for further information. The cover letter to the Secretary always translates into something like "we are encouraged, but of course not satisfied."

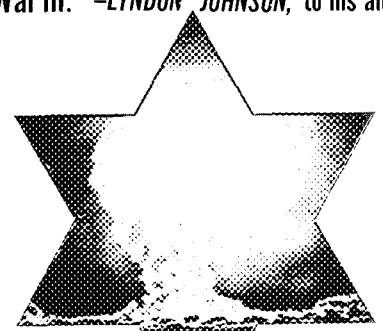
PEBSI promised to deliver something fresh to the Secretary of HEW, but many people were highly and significantly displeased.

For example, the National Education Association and the American Association of School Administrators were very upset that Chris Thorne used educationally deficient, professionally substandard summer interns in such a substantial experimental program. If, reasoned the educational groups, these ruffians turned out cheaper and more effective than those endowed with certificates of educational merit in urbanology, public administration, and city planning, what would happen to the demand for highly-trained people and the teachers who guide more and more of them to advanced degrees? What indeed would happen to the campaign for higher educational standards, and how would we find the skilled people to take our space program forward and protect our country? Out of this concern for the quality of recognized evaluators, consultants, and public servants in the critical poverty field, educational associations mounted letter-writing campaigns to ask their Congressmen how this qualitative retreat came to pass. "We have received complaints about PEBSI from about 100 Congressmen," said Lewis H. Butler, Assistant Secretary of HEW for Planning and Evaluation. "We tell them that PEBSI is the closest thing to evaluation by the consumers in the department's history, and that we think the program is a worthwhile experiment; but the Secretary, and ultimately the White House, takes the heat."

out of self interest

Congressmen also heard from program administrators. These people—who have local operative control over PEBSI's selected projects, such as Head Start, Rat Control, Upward Bound, Vocational Rehabilitation, and Family Planning—have grown accustomed to a much more genial brand of evaluation than Chris Thorne promised. They preferred the three-day site visit from the familiar administrator type—the pro with the old class ties, who could talk of how things have changed at HEW since the Kennedy Administration or of the latest reorganization rumors floating around from the personnel people. They liked to think of evaluations as mostly gripe sessions, which should be devoted to discussions of insufficient resources, staff problems,

"Perhaps we're on the verge of World War III." —*LYNDON JOHNSON,* to his aides



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or pressures from the mayor's office. And they were distinctly unenthusiastic about the idea of being evaluated by a PEBSI intern. The threat of a negative report, the uncertainty, perhaps a genuine belief that the interns would have no feel for the program's higher goals or for the real world, a clash of life styles—all these gnarled into a large bundle of distaste for the whole idea.

This kind of atmosphere makes it unhealthy in the federal civil service for anyone faced with even a fraction of the PEBSI staff's opposition. Normally, the apprehensions of a few senior career bureaucrats can make the wheels of ostracism turn. Civil Service tenure provides some job security; but reorganizations, transfers, new job descriptions, promotion denials, burdensome information requests, and general bureaucratic harassment have the same effect—an office either loses its people through reorganization and frustrated resignations, or it loses its power through a transfer of function.

But Thorne's program has also pricked the ire of the pro-education Congressmen, led by the redoubtable Representative Edith Green, as well as those Congressmen who are subject to constituency pressure from the education lobby, those who are cronies and allies of the uneasy HEW bureaucrats, and those who are troubled by the activities of a predominantly minority-run government program. (When the BLK Group, Inc., got the contract to gather PEBSI's raw material, a few new Congressmen began complaining that the contract had been "wired" to a black consulting firm.)

Chris Thorne's experiment has survived its grey corridor warfare for nearly a year now by adroitly using a thin arsenal of inter-office, counter-desk, super-bureau weapons. One of these is PEBSI's size; even a minor scrape with a superior can reduce a lone civil servant to oblivion, but it's much tougher to dispose of a staff of about 20, on the third floor of the HEW North Building. Also, there are spoils in this battle—the PEBSI budget—which makes it different from the ordinary homogenizing personnel adjustment.

Chris Thorne also has the civil rights guilt syndrome on his side. Who wants to be responsible for cutting off one of the only minority-operated modules in a department purportedly dedicated to the full flowering of PEBSI-like social medicines? Who wants the herculean bureaucratic task of explaining the extractive surgery so as to dispel all whiffs of racism and defensiveness about HEW's social program—with the usual cloud of rhetoric about steps taken "in terms of the maximization of overall program coordination and development"?

These are tough problems for the uneasy HEW careerists, and they are made even stickier by the stubbornness of Secretary Richardson's office thus far in supporting a renegade outfit which may nevertheless tell the Secretary something new about the bottom layers of his enormous pyramid.

And the resolution of the PEBSI staff members gives them a special freedom and an unusual advantage in departmental warfare. "Nobody here is planning to make a career of government," said assistant program coordinator Barry Stevens, "and nobody plans to stay with PEBSI very long." "We have a program that we believe in," echoed Thorne, "but we don't have much faith that this place can take constructive criticism about its attitudes or the usefulness of its programs. If PEBSI stays without being watered down into meaningless pablum, then we stay. If not, we go. It's that simple." This kind of readiness to leave is anathema to bureaucracy, which thrives on the pro-rated vulnerability of its members. As long as employees stop to calculate their chances of success, as long as they have enough security needs and responsibilities to hesitate, then the bureaucracy has them: they can be made to compromise and go along while their security needs and loyalties grow and their views mellow—until they are no longer a threat to business as usual at the department.

Right now the opposition to Thorne's

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project is laying low, after coming fairly close to the kill this fall because of the consternation produced in the field offices by the summer interns. PEBSI's enemies are wisely waiting for the 1970 evaulation reports to be completed. Then there will be many options. If the evaluations call for greater efforts, a larger number of minority program administrators, increased attention to this or that aspect of the educational process—in short, if they call for anything which can be read "MORE"—then the crisis is largely over. The experiment can be declared a success, even if the report contains nasty comments about the motives and social dedication of some HEW administrators (the department can go on record again as a haven for new ideas and a tolerator of strident criticism). If need be, the PEBSI coordinator and his top assistants can be promoted to new, and less sensitive, positions during the congratulatory fanfare. Or perhaps the "Little Red Hen" syndrome could come into play—as new and previously cautious authors of the summer intern concept would surface and declare that this positive innovation requires implementation by all the operative agencies of the department. PEBSI's functions could then be carved up by the in-house evaluation offices of all the agencies within HEW. There are many other possibilities—provided the evaluations have that growth element in there somewhere.

But what if the growth element is not there, and the reports face bureaucracy's ultimate question? What if the PEBSI interns ask the consumers of HEW programs whether they would prefer the administered programs or the dollar equivalent of their share—and the consumers say the money? What if the consumers of health programs would prefer a certificate for the dollar equivalent of their program costs? What if the evaluators find that the main beneficiaries of progams are the people who run them and their social peers? What if the evaluations violate the central commandment of the salvation industry and indeed of all bureaucracy—that "money alone is not enough"? "Then," Barry Stevens concluded, "our life expectancy would be considerably shortened." Then the worst fears of HEW's career civil servants would be fulfilled, and the war would escalate.

Even if the PEBSI reports don't transgress the job security or growth potential of HEW and its constituent professionals, the PEBSI staff may fall prey to the Iron Law of Diminishing Returns to Activism (ILDIRA) in bureaucracy. This law postulates that any action which threatens or otherwise disturbs senior civil servants will automatically provoke an antagonistic reaction. The activist will have to spend time and energy in political self-protection (fending off reorganizations and transfers to the Texas office, fighting for his parking place, unsnarling payroll roadblocks, explaining himself to superiors and concerned congressional aides, handling an increased load of busywork, etc.) in proportion to the intensity of the reaction. The central axiom of the Iron Law states that the intensity of the careerists' reaction will increase inexorably until the activist's impact on the world outside the bureaucracy approaches zero. The time spent in self-protection against harassment is absolutely beyond the activist's control, and the induced frustration will, over time, set him up for a large injection of resignation. In fact, he might spend so much time in the struggle for the survival of his program that survival would acquire an attractiveness of its own. Then he might settle down a bit to build a taste for coffee breaks, crossword puzzles, and office furniture. And spend more time making sure that the secretaries are working. . . .

II. The Anxiety

PEBSI's day of reckoning has not yet come, and things seldom are that clear in the government anyway. In any case, Chris Thorne and his staff are very un-

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usual people in the federal bureaucracy, where normality is a very depressing thing. It does strange things to men's minds. Listen to them:

> I always had a tremendous sense of self-doubt—of thinking that if I ever really looked at what I was doing, square in the face, I would discover that none of it made a damn bit of difference. Even at my level, there was a lurking sense that the job was just feeding me well. I liked it for the excitement and power, but I couldn't really look at it, ever.
>
> There was almost a constant drone of excitement. Somebody would come running into the office and shout, "The President wants this, so it's BIG!" And what does he want? He wants a statement saying how much he cares about the people in Appaloosa somewhere who got squelched by a hurricane. So we work frantically for several hours, expending hundreds of man-hours to figure out how many cows were killed and how many feet of highway were destroyed. Four or five other departments are working on the same statement. And the hurricane crisis at least is some kind of an emergency. Many of them aren't. That kind of thing happens 100 times a day.
>
> It's sad. I was constantly troubled about the energy devoted to how things might look to the press, and to jurisdictional squabbles and in-fighting. Many of our agencies were just tub-thumping around in search of a rationale.

Such is a view from the executive level, as the speaker is a former special assistant to several Cabinet members. But things are often similar in the ranks of the middle managers. George Beckerman, for example, is a GS 13 (base pay $16,760-$21,791) in the Department of Commerce:

> We worry a lot. People worry about the stock market, the morning's automobile traffic, the government's multiple health insurance policies, and the fortunes of political friends elsewhere in Washington.
>
> Some of the agenices really have to produce. They have a product that people can see, like air traffic controllers landing airplanes, or Social Security checks. But usually you spend at least 50 per cent of the time looking inward—making the agency a better place to work. We've been moving furniture around for more than two years. And you're always satisfying the information requests of other people in the agency, or evaluators. There are all kinds of evaluators—GAO auditors, Budget Bureau people, external contractors evaluating next year's appropriations request, interested staff members from the House Subcommittee on Economic Development, and so on.
>
> No social problem has ever been solved this way. Time just passes them by—people forget and give them to us. It's very frustrating.

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There is a kind of vicious cycle of insecurity at work in many parts of the executive branch. A computer programmer for the Navy remarked that it was hard for him to review the past two years, during which he had been honestly engaged in "about three weeks" of meaningful work. "Despite yourself, you begin to lose confidence in your ability to get anywhere on the outside," he sighed, "and so you value that niche a little more. So you stay, and your confidence erodes further. The world loses more of its color, and the longer you stay, the more you need to stay even longer."

No one can live with that kind of personal chasm uncovered, and all sorts of elaborate psychological games fill the void. *It must be the governance of a people at stake here, and that means every piece of paper is part of a great, meaningful edifice of power. Lives are made and broken in these hollow corridors, and it is all involved somehow in telling the people out there what to do. They depend on us, and that gives significance to the days spent sweating earnestly over a paragraph in the annual report—to all the days which tire us and drain us and send us home to collapse. There is a reason for it all, though it's not clear every day. Like the majesty of Washington's stone monuments to history's warriors and the pieces of wisdom carved in permanence to the glory of the march ("What is past is prologue"), importance inheres in these buildings. It filters up above the subdued clatter of typewriters and fills the air with the message that the nation has trod here as one person.*

"And you begin to build an inner value system around the office activities alone," said a senior official of the Civil Service Commission. "Can you give a better conference or sound better in a staff meeting than old George? How do you come off in the internal battles for signs of significance—promotions, parking places, and publications? These concerns can ride right over the long lunches and the endless hours of sitting and talking."

"And you take part in the quest for information," said a GS 15 in HEW. "Everyone feels frustrated, telling himself that if they just had a little more information, then they could really do something. So everyone wants to 'get a handle on something' or find 'a few salient facts with wide typicality,' or 'get a new scope' on inputs and outputs. The new information or new perspective is the prerequisite for action, and therefore important. So you let a contract to a consulting firm to study a problem, and they eventually return to your own office for the raw data. This is the biggest change I've seen in government since I came to Washington in the thirties. In the old days the program people didn't want any new information. They just wanted to be left alone. Now everybody wants more information from everybody else."

The personal insecurity of many civil servants is paradoxical in view of the strong job protection provision of the Civil Service laws. Once a federal employee obtains tenure, after three years, his employment is safe barring egregious incompetence or criminal activities. His promotions are in question, as are his prestige and his particular job, but his salary, at least, is nearly guaranteed, especially if he knows the rules. And yet so many civil servants *feel* insecure. "There is a fantastic effort to keep criticism off the record," said Andrew Bennett of his 10 years in the Departments of Labor and Commerce. "You can't admit error. It's just not done. You can't ever talk freely about what you really do—that would be a direct threat to the agency's appropriations and to everybody there. And you can't really have your name on anything controversial."

Part of the celebrated bureaucratic caution comes from ambition, of course. Promotions contain a large measure of social acceptability, and people don't build esteem by criticizing their own guild. Part of it comes from the knowl-

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edge that the government has become a fairly lucrative place to work. Only about 5,000 federal employees have achieved the coveted "supergrade" (GS 16-18) status, which carries a base pay of $26,547 to $35,505. However, 40 per cent of the regular civil service employees fall into grade levels which have some managerial or policy functions (GS 9-15), and which draw base salaries of $9,881 to $29,752. This kind of money is enough to lure most people into pure caution, even in a tenure system. The temptation is compounded by the expected trend in public sector wages. Washington is now committed by law to the comparability principle—automatic increases equal to private sector productivity gains in comparable jobs—although no one has dared define productivity in government or to argue enthusiastically that business managers and government managers have the same motives. State and local governments must follow the federal pay scales; and public employees possess enough political power to keep the trend on the track. Sixteen million people are directly employed by federal, state, and local governments in the United States, out of a total employment of about 81 million jobs. Moreover, the number of people indirectly paid by government has never been calculated—all the people (and towns) building missiles, highways, tanks, schools, space equipment, and all those in management-consultant firms. No one has ever counted heads in the consulting firms which ring Washington and most major cities, and which have made a deal with governments to exchange white paper for green. Some federal agencies contract almost everything out, as the Atomic Energy Commission even contracted out the administration of the city of Oak Ridge. The PEBSI program is illustrative: an HEW staff which never exceeded 23 people granted a primary evaluation contract to BLK, Inc., which in turn subcontracted to Opportunity Systems, Inc., Interstate Research Associates, Rutgers University, UCLA, and Reels and Realities Films, Inc.; meanwhile Deputy Assistant Secretary of HEW James G. Hebert let a contract to Abt Associates in Cambridge to evaluate PEBSI's evaluation. All these direct and indirect employees of the governments have a high-energy interest in raising public spending and salaries. It has been said that the bureaucracy and its dependents may do what capitalists always feared from the poor in democracy: they may vote in a sneaky socialism—for the middle class only.

In any case, the money and the opportunity are worth all the caution for most people. They are worth going along for. And there is also the fear of being ostracized into one of the more meaningless non-jobs. There are many people in government who could say, as did one candid GS 14 in the Veterans Administration, "I don't have much to do. I've been reorganized into a corner. I think I'll do some writing." And no doubt much insecurity seeps into the grey cubicles because the inhabitants, like all of us, subconciously expect to be flushed out into public scrutiny. "There are not many people at all who do nothing," observed an Assistant Secretary of a large department. "In fact, most people here are terribly busy. But there are a lot of people who do nothing useful." There are just a lot of people, that's all—clipping their vowels, clearing their throats, and above all, being careful.

III. The Anatomy

The executive branch of the federal government may be characterized as a vast purring machine of idler gears, vibrated by the echo of typewriters and tickled by the flow of money. And it may not. There are merely idler-gears within every department, and certain entire idler agencies. The jurisdictional tangles and appropriations powers of Congress are especially critical to the survival of the latter.

Take highway safety agencies, for

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example. Harold Seidman, who spent 25 years observing the bureaucracy from the Bureau of the Budget, has recently written a book called *Politics, Position and Power,* in which he finds that these bodies provide excellent examples of how Congress transfers its own overlapping powers and superfluities to the executive branch:

> When Jurisdictional problems could not be resolved, the Congress in 1966 created two agencies—the National Highway Safety Agency and the National Traffic Agency—to administer the highway safety program. The President was authorized to designate a single individual to head both agencies. All that was gained by creating two agencies—where only one was needed—was to give two Senate committees a voice in the confirmation of the agency head.

Congressmen spring to the defense of all sorts of executive curiosities as long as the inhabitants are friendly and cooperative in spending money in the right places. Members of the Commerce Committees can be counted on for support of the pitiable Business and Defense Services Administration in the Department of Commerce—about 2,000 people with excellent industry and congressional connections in a bureaucratic legacy of the Last War, surviving on the strength of those connections and the vital-sounding ring of their agency's title. Members of the Interior Committees are programmed to protect the slightly embarrassing Bureau of Indian Affairs. After all, they have some say in who spends those funds where and in what way. And, without a great many defections, Southerners and other farm Congressmen will rally behind Representative Jamie Whitten to protect the Agriculture Department, which, in an inspiring fulfillment of Parkinson's Law, has doubled in size over the last 40 years while the number of farms has halved. (A corollary of Parkinson's Law states that an organization of 1,000 people or more is capable of generating a full workload for everyone internally, and therefore has no need of contact with the outside world: the Department of Agriculture employs about 125,000 people.) The Joint Committee on Atomic Energy will probably never grant the Atomic Energy Commission's own request to get rid of four of the five Commissioners. Harold Seidman found that "the Atomic Energy Commission is probably the only commission in history whose members unanimously recommended their own abolition." But the Joint Committee will have none of it, because such a reduction would remove four confirmations. More importantly, the committee's bargaining position for favors and matters of high policy would deteriorate seriously if it had to face a single director of the AEC instead of a five-member commission with required unanimity. And so on.

Sometimes things come down to a simple matter of friendship. Take the Commissioner of Fish and Wildlife, for example. In 1956, Senator Warren Magnuson had a friend named Clarence Pautzke who liked Washington and needed a job. So the Senator and his colleagues undertook to create the position of Commissioner of Fish and Wildlife and to install Clarence Pautzke there in the Interior Department with about $40,000 a year and some secretaries. The Fish and Wildlife Service was already there—growing toward its full size of two bureaus, two directors, and 27 sub- and regional directors, to whom the new commissioner never seemed legally related. He had no apparent functions other than to coordinate things and make conservation speeches, but that didn't matter. Neither did it matter when a recent executive reorganization took the Bureau of Commerical Fisheries to the Commerce Department for efficiency's sake (rumors say it also had something to do with President Nixon's pique with Interior Secretary Walter Hickel)—leaving the poor commissioner even more nakedly irrelevant, by himself over at Interior with the Staff Assistant and plain Assistant that he picked up along the way.

President Nixon, of course, did not abolish the post, but filled it with his

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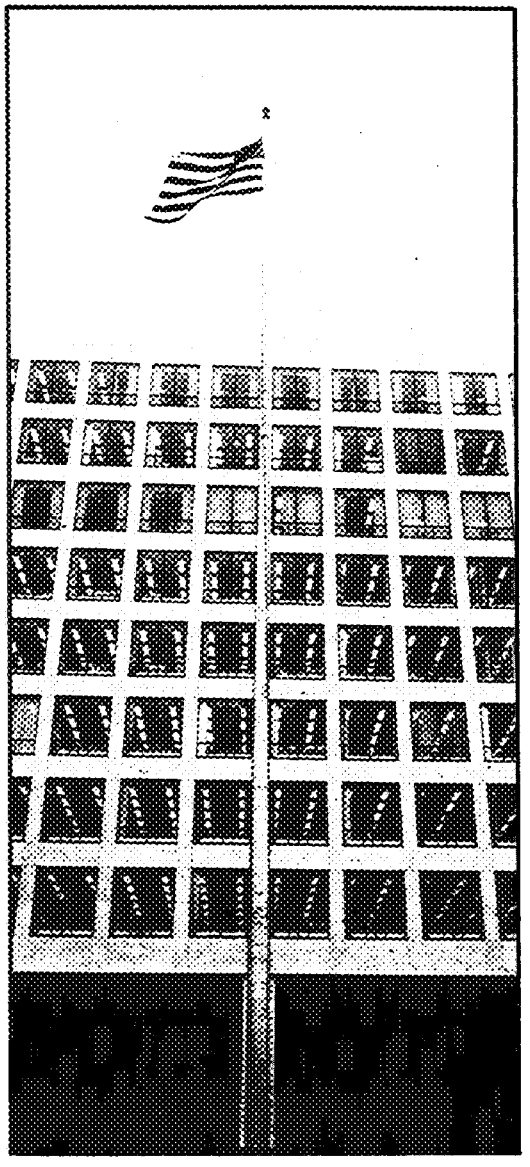
own man, Charles Meachem. It would have taken a big unworthwhile fuss to do otherwise, although Senator Magnuson candidly declared the post useless without Clarence Pautzke. The Senator gracefully passed the control of the Commissioner's employment to the White House. The system would break down if the President and the Congress forgot how to share. And so on.

Presidents, too, must have the upper hand in controlling an appropriate number of idler-gears in order to survive politically and run the government effectively. One of these, the famous Subversive Activities Control Board, came under fire again this year because the five-member panel of political appointees couldn't find a single case to investigate in 1969. "I am incensed," declared several Senators for the record, complaining that SACB is totally superfluous atop the FBI, CIA, the Justice Department, and other subversive-hunters—and it has only list-making powers anyway. But the board rallied and has two cases, the Young Workers Liberation League and the Center for Marxist Education, pending current investigation. These inquests, the 67th and 68th in the board's 20-year history, were probably more than enough to guarantee survival, and they certainly helped SACB boost its appropriations to $401,400—along with inflation in the cost of living, federal salaries, the number of subversives, and so on.

The President also has the relatively obscure Administrative Conference of the United States. He appoints the chairman and 10-member council thereof, and they in turn select a group of between 75 and 91 important people to come together each year and pass resolutions about how to administer good government.

To fill in the gaps, the President can make use of about 200 interagency committees created by him or his predecessors. (The Congress and the agencies themselves have produced about 600 more such bodies, according to the Budget Bureau.) These committees, it is said,



are funded to coordinate and make recommendations pertaining to policies of intersecting agency impact. Harold Seidman has called them "the crab grass in the garden of Government institutions. Nobody wants them, but everybody has them." And former Secretary of Defense Robert Lovett told the Senate Committee on Government Operations that the crab grass is made up of "some rather lonely, melancholy men who have been assigned a responsibility but haven't the authority to make deci-

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sions at their levels, and so they tend to seek their own kind. They thereupon coagulate into a sort of glutinous mass, and suddenly come out as a committee." But the committees make friends, as does the uncountable array of presidential study groups and advisory commissions. And so on.

Reorganization, of course, is one of the principal tools of bureaucracies themselves in dealing with criticism. If the heat is on, a department or agency should go through six months of shuffling the organizational charts and then hope the crisis has passed, as is usually the case. But most organizational struggles have little to do with economy or public criticism—involving, on the other hand, the classic battle over who shall rule. In most cases, the question is which people or which department shall rule over a particular idler-gear program and its budget.

Take the United States Travel Service, a Commerce Department program funded over the years at between $3.5 and $4.5 million. It is designed to attract foreigners, primarily Europeans, to vacation in the United States, and its employees have a good time plastering Europe with billboards, leaflets, and TV commercials. "We did a study of the Travel Service," said Fred Simpich, general counsel of the Commerce Department for the last year of the Johnson Administration, "which showed that it had a zero effect on the travel patterns of Europeans. If the European economy is good, they come to the United States. If not, they don't. But the study didn't matter. We still had a full-scale, six-month war over who should have the Travel Service. The fight involved Treasury, State, Interior, and Commerce, with the White House as referee.

"None of us ever really asked whether we should have a Travel Service at all," Simpich mused. "You couldn't look at it that way. You had to say, 'I'm not going to let those jerks get this program.' The absurdity never really occurred to me—well, it did at times—but you can't let that interfere with what you're doing.

"There must be hundreds of programs like the Travel Service that are just wheel-spinning," Simpich concluded. He won that battle for the Department of Commerce. And so on.

IV. The Theory

There comes a point at which students of bureaucracy must look for general guidance in determining which departments are likely to contain the most idler-gear programs and which programs utilize the highest proportion of idler-gear people. Fortunately, administrative science has scored here with a number of frameworks with which to coordinate and effectively manage one's thinking on this weighty subject. In fact, there are four theories to deal precisely with the idler-gear location question.

The first is called the Life-Cycle Theory of Bureaucratic Ossification (LICTBOSS), which says that the proportion of idler-gears increases with the age of the organization. The theory is based on the observation that agencies never abolish anything and often innovate on their margins with additional people and money. So they grow slowly over time, whether or not the need for them keeps pace. In this sense, LICTBOSS is much like Parkinson's Law, although more refined and flexible. There is, for example, an absolute size corollary, which holds that the effects of age can be mitigated significantly by holding the absolute size of the organization below 1,000 people. This modification helps explain the relative efficiency the Office of Management and Budget (tOMB), and the Council of Economic Advisers.

There is also a structural corollary, stating that any multi-headed organization is three times as likely to be crawling with idler-gears, *ceteribus paribus*, as a comparable single-headed agency. This bit of fine tuning may be plugged into

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LICTBOSS to predict that 80 per cent of the government's multi-headed independent agencies are useless. And you can safely calculate that 95 per cent of multi-headed statutory advisory bodies are duly constituted governmental warts. Harold Seidman provides the following partial list of those with majority private membership:

> National Insurance Advisory Board, Flood Insurance Advisory Committee, National Advisory Commission on Low-Income Housing. Advisory Board of St. Lawrence Seaway Development Corporation. National Historical Publications Commission, Advisory Councils to each of the HEW Institutes, National Advisory Council to the Office of Economic Opportunity, Advisory Council on Vocational Education, and National Advisory Council on Extension and Continuing Education.

Closely related to the life-cycle theory is the Short Public Responsibility Theory (SPURT), which holds that the maturing process of a bureaucracy involves movement away from service to the publicly stated goals and toward service to the organization itself, i.e., toward an idler-gear composition. Accordingly, new agencies begin with a burst of idealistic activity and chiliastic rhetoric. They also begin with modest budgets, having cut to the bone to get their revolutionary programmatic concept past the Congress (the first time is always the hardest). They are full of fresh new employees, mostly young, attracted to the agency by all the publicity accompanying its birth. Everyone works very hard for the first year or so. They are dedicated. They also know that the President has not forgotten them yet and that the press will write human interest stories about the personnel—and news stories about agency achievements—for a while longer.

After a few years, the career civil servants in personnel and administration will decide that the new agency has established itself. They will transfer in and begin to regularize procedures and communications systems and to tell people what the Civil Service regulations say they can't do. Top agency people will begin to acquire congressional contacts and to exchange kindnesses with members of the appropriations committees. People won't worry so much anymore. Soon the new agency fades from public attention and everyone begins to talk about how Rome wasn't built in a day.

A press scandal or presidential ire may revitalize a hardened agency for a short while, but the odds are that a big reorganization and patience will ease the glare of attention. And even a modicum of skill might turn the crisis into increased appropriations by using the old saw about what squeaking joints need.

SPURT has already happened to HUD and OEO. It happened in record time to the Office of Minority Business Enterprise. It is happening quickly to the Peace Corps and the Department of Transportation. All these were established after John Kennedy took office, and they are all already full of idler-gears.

The third theory of idler-gear location is called the Soft-Hard theory of product identification (SOHA). It holds that any hard bureaucracy can be expected to have less idler-gears spinning than a comparable soft one. A hard bureaucracy is one which produces a tangible product, as the Army Corps of Engineers produces dams and canals or COMSAT produces satellites. A soft bureaucracy produces intangibles, like "government," which can scarcely be identified let alone measured. And within any agency, the jobs vary along the same soft-hard continuum—ranging from the assembly-line workers to the engineers to the production technicians to the planners to the program coordinators and developers and finally to the administrators.

Liberals, as a rule, don't like SOHA, because most of the quality-of-life bureaucracies get classifed as squishy soft and therefore selfish, although a group of economists have been trying to prove that the Pentagon's "national security" is the most intangible product

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of all. Conservative businessmen have also been turning away from SOHA, because the line between a hard bureaucracy and a business has become so thin that more and more large businesses are being labeled hard bureaucracies rather than private enterprises. This causes much discomfort to the businessmen, and they don't like it.

So almost everyone now thinks that SOHA is a bad theory, but most people agree with an official of the Labor Department, who observed that "the long-run trend is toward the soft bureaucracy."

The final theory of idler-gear location is again closely related to its predecessor. It is called the Deliver the Mail/Holy Grail (DETMAHOG) dichotomous theory of problem protection. The idea here is that problem-solving (Holy Grail) agencies have an inherent propensity toward wheel-spinning. If such a bureaucracy is making no progress whatever toward the solution of its statutory objective, it is by definition a bureaucracy on welfare, idling in neutral. If, on the other hand, it is grasping its particular Holy Grail or moving toward doing so, the bureaucracy eats up its own raison d'etre in the process. Turning this story around, DETMAHOG theorists argue that a Holy Grail bureaucracy cannot persist over time without acquiring large numbers of idler-gears—either by solving its problem and not going away or by not solving its problem and sitting there.

Hence Holy Grail bureaucracies have a tendency to protect the problem they are mandated to solve. This tendency comes from the first law of survival, which bureaucracies observe with a special tenacity. Problem protection has been in fashion ever since the Marshall Plan people disbanded to go into foreign aid. It preserves the Indian problem, the poverty problem, the farm displacement problem, the economic development problem, the cigarette problem, the ecology problem, and the pornography problem, among others.

The other side of the coin, delivering the mail, refers to the growing routine tasks of the bureaucracy—measuring things, collecting data, and keeping records. The term itself springs from a famous quotation from a GS 15 in the Economic Development Administration: "Once the government delivers the mail and writes its checks, it's tired and can't do any more." The mail side of the dichotomy enjoys a bright employment future; for as every DETMAHOG theorist knows, administrative bureaucracy is required by centralization which is inexorably produced by interdependence which is always increased by specialization which is produced by freedom, the free market, progress, and the entry of liberated women into the labor force.

The problem, of course, is that the mail side of the bureaucracy appears dull, and it is especially depressing to have the bright side of the bureaucratic future be the dull part. Looking at things this way robs government of its new frontier image—of the idea that government is where it's at for bright young people of conscience. To top it all off, there is a corollary to DETMAHOG, which states that while idler-gears are required in Holy Grail bureaucracies, they are also *very likely* in Deliver the Mail ones.

Despite recent refinements in LICTBOSS, SPURT, SOHA, and DETMAHOG, most people still hesitate to make precise numerical estimates of idler-gear percentages within any given bureaucracy. There are so many little variables to be figured in—so many people whose doings could possibly be useful in the future—that almost everyone looks at the theories for heuristic purposes only, to suggest fruitful topics with wide typicality for further research. Only Vice Admiral Hyman Rickover, the Father of the atomic submarine, can be counted on for a forthright estimate of fat and wheel-spinning in his own department, the Pentagon. The Admiral finds that at least 50 per cent of the Pentagon payroll is a welfare

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payment (eat your heart out, Daniel P. Moynihan), the recipients of which should be fired. On May 13, he outlined to a House Appropriations subcommittee his plan for stripping the Pentagon's idler-gears:

> On a given Monday morning, I would close off the fourth floor of the Pentagon and allow in only enough people to fill the first three floors.
>
> The next Monday I would have the third floor roped off and permit only those who fill the first two floors to retain their jobs. That would be a good start.

But even the Admiral is hedging his bets these days. He followed that proposal with another which revised the idler estimate up to 67 per cent, but which recommended keeping that very vocal, well-educated horde on the payroll—only out of the way:

> Classify the Pentagon people A, B, and C. A does the work. B and C are given offices without secretaries, messengers, desks, rugs, telephones, typewriters, or water pitchers. They do get scratch pads on which to write letters to each other in longhand.
>
> The letters would be dropped in dummy mail boxes and there would be no collection. . . . They could show up for work and leave any time they desired. Vacations would be unlimited. Their checks would be mailed to their homes.
>
> You have all kinds of people in the Defense Department who are making work for the very few who are engaged in and capable of work.

There comes a point at which students of bureaucracy must recognize the limits of theory, and, with Admiral Rickover, take that bold leap of faith.

V. The Vision

One tangle in putting this bureaucracy mess into context is the increasing number of idler-gears everywhere—in businesses, universities, consulting firms, the Army reserve, churches (the first soft bureaucracies), and even magazines.

Admiral Rickover, in the course of declining to be interviewed on the general bureaucracy snarl, could not resist making the magazine point only somewhat facetiously.

"Are magazines effective?" he asked out of left field.

"Well, sir, I don't know what you mean."

"Let's be specific. Is *your* magazine any more effective than the bureaucracy?"

"Probably so, because there are only three or four of us to spread bureaucracy among."

"That's a good point, but you'd probably be better off with just one. You tell your boss I said so."

"O.K. But then I might be fired."

"That's the whole problem, isn't it?"

The fact is that there is a general condition of oversupply in the United States, and you can feel it inside the bureaucracy. The unions know it, and that's why they are beginning to abandon free trade for jobs, just jobs. The guilds know it, and that's why they want to increase the training period in professional schools—keep the gates high or else the fees will fall when things get crowded. Educators know it, and that's why they are so worried about the growing surplus of school teachers—they'll soon clamor for higher standards and more degrees, to provide jobs for teachers' teachers. Businessmen know it, and that's why they inch closer and closer to the government. And the government knows it, too. That's why the bureaucracy grows—why Melvin Laird says we can't cut defense procurement because of the adverse job implications, why thousands of men make nerve gas while thousands more dump it in the sea and thousands more are paid to talk about it, why we need the SST and the ABM and Lockheed and LTV and the trade bill. The whole country is like the Penn Central.

Bureaucracy is a giant, elongated, permanent graduate school, and it's every-

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where. It's designed especially for the millions of young people who pour out of colleges every year, perfectly qualified for the soft end of SOHA. Some of them don't like it. They think it's a plot. They feel guilty sitting there being an idler-gear while all those cars and clothes and steaks and books and things come flying at them. Some of them don't like that either, so they try to be poor. And all the time they are members of the railroad fireman's union, and everyone works for Penn Central while looking for the Holy Grail.

This is an era of vagueness, at the frontiers. The goals are vague—things like participation and quality and revolution and growth and relevance and controlling our destiny (which would ruin a lot of good novels). It's not God somehow, and it's not really money, at the frontiers. It's just vague, like the words—in terms of and system and with regard to and interface and policy and coordinate. We are assessing our national needs and they are vague. Most of the frontiers look backwards, actually—at the vicarious passage of other people to the perils of vagueness—at the cleaning up of the messes of that last race in which everyone could run and know that the sacrifices of the race were really worth it, at the race in which everyone could and must run. It is finished. But it is only beginning to look finished because the bureaucracy is taking up the slack with idler-gears. Everyone is still running and running. And most people would still want the money, but there is something else and it is vague.

There are implications here, as always. Bureaucracy doesn't look so bad if slack really needs taking up. It is very hard to look at it this way, but if you do you have to go with Rickover plan number two—not to fire everybody—then you must wonder what they would do with themselves if they didn't have to come to the Pentagon, if none of the idler-gears had to come to work. Bureaucracy is everywhere, but it's not so bad for its children. It is necessary, in fact, for the income security of those who take up the slack. But what does that say about our strict regulations for the poor, who are trying to start the old race after it is over? What is the meaning of idleness now? Do the jobs in the slack really have to be so boring? How does Middle America fit into the breach? They don't like it either. They feel cheated. Can't people just get used to bureaucracy everywhere and keep the old race from hurting anyone?

There may be implications, but there are mostly just questions. It's a confusing era, this vague one. And it's early. That is how things look from inside an idler-gear.

The heart of the tragedy is the boredom and depression that hangs over bureaucracy like an embalming mist. Everything is qualified, hesitating, paranoid, and uneasy. Even the people are tentative. They are numbed by the whir of idler-gears. Feeling superfluous somehow and a little guilty, they are afraid to say much for fear of jeopardizing that slow crawl to a respectable niche.

Bureaucracy will give in some to sheer talent because it still has certain needs for skill. That gives power to the skillful, but it is not enough. It is useless without Chris Thorne's willingness to quit. And these are not yet enough. People must redraw the line beyond which they will not go so that they can see it clearly—feeling something whole and personal and creative on this side, and seeing idler-gears on the other side with an unctuous career plan smeared all over them. People must revalue the quitting line to make it nearer; otherwise it drifts out into the bureaucracy.

Dealing with the proliferation of idler-gears is a tall order these days. People are still trying to figure out what the era of vagueness means—and to understand those who don't see the drift at all, thinking we are merely off course. But if you have a sense of humor and some courage and if you enjoy a determined risk, you may have some fun. Even on the Penn Central. ■

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VIEWS OF THE PRESS:

Oily Reprints at The Times

The New York Times

Section 3

Sunday, July 26, 1970

BUSINESS AND FINANCE

U.S. Oil Industry Regrets It Was Right

Natural Gas: Additions to Reserves vs. Net Production

ADDITIONS TO RESERVES

NET PRODUCTION

by Richard Karp

On Sunday, July 26, 1970, an eight-column story on the front page of *The New York Times* financial section was entitled "U.S. Oil Industry Regrets It Was Right." William D. Smith of the *Times* staff went on to feature the news that the price of foreign oil had almost doubled, that critics of the industry were backing away from their previous recommendations for revising the import quota system, and that the oilmen could meet the crisis but were forecasting a price increase. If the oil industry had a face, wrote Smith, it would be "wearing a bittersweet smile. . .because some of its serious forecasts and urgent warnings have proved correct."

Smith's article, upon examination, was consistently misleading, flatly false in some places, and little different on the

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whole from oil industry journals. Its contents and prominent placement on the financial page raise serious questions about the journalistic standards of *The New York Times* financial section and one of its reporters. The piece bears review, by way of example, for it played an important role in the continuing debate over the wisdom of indirect government subsidies to the oil industry—primarily the oil import quota system.

Import quotas were established by an Eisenhower executive order in 1959 to protect the national security by safeguarding domestic oil producers. If foreign oil were allowed to be imported in a free market, argued President Eisenhower, it would drive out noncompetitive American companies and make the United States dependent on "unreliable sources" for its essential energy requirements. In order to demonstrate how dangerous a free market in oil would be, proponents of the quota have only to point out that Middle East crude oil arrives in New York harbor more than one dollar a barrel cheaper than Louisiana crude. And the U.S. consumes about five billion barrels of crude oil each year. Using the same figures, however, critics of the quota system replied that the system serves not to preserve the national security but to subsidize a giant oil oligopoly at a cost to the taxpayer of at least $5 billion a year.

By the end of the 1960s, critics were making a powerful case and the new Nixon Administration was under pressure to do something. The President responded with the familiar study commission, appointing a Cabinet task force to undertake a comprehensive examination of U.S. oil policies. The industry, uncomfortable with investigative committees of any kind, immediately labeled the task force a price-fixing group of academic vigilantes. Despite industry lobbying, the stolid task force recommended in its February, 1970, report that the quota system be replaced by a tariff—which would lower the price of oil, restore a measure of competition to the international petroleum business, and award the benefits of protection to the government rather than to oil refiners.

The oil industry reacted furiously to the task force report. Its lobbyists pressured the Administration into a concrete show of good faith, and one month after the report became public, the Administration slapped import controls on Canada—previously exempt from restriction. This move was roundly but ineffectively condemned by most economists, who found Canadian oil not only cheaper than domestic but also more secure (because it comes overland from friendly Canada while oil from the Gulf has to make the long tanker trip to east coast refineries). But the Administration, perhaps recalling the talk of a northward invasion which followed the Caroline Affair of 1837, found otherwise. Oil companies also persuaded Representative Wilbur Mills of the House Ways and Means Committee to elevate the oil import quota system from a presidential decree to an act of Congress. Oil quotas are now part of the 1970 Omnibus Trade Bill.

Despite these plums, the security of oil import quotas was still the paramount issue to the petroleum companies, which were therefore relieved when President Nixon appointed a new study commission—the Oil Policy Committee, headed by George Lincoln of the Office of Emergency Preparedness—to restudy the proposals of the task force and come up in due time with its own recommendations on oil imports and national security. The President also brought different perspectives to the new committee by replacing economist George Shultz (then Secretary of Labor, now Director of the Office of Management and Budget) with lawyer John Mitchell (Attorney General, former campaign manager). While the restudy commission was in deliberation, the oil companies mounted a public relations drive to identify the quota system with national security, free enterprise, and the forward-thinking American Way. William D. Smith and the financial section of

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The New York Times were quite helpful to this endeavor.

Sky-high Foreigners

Despite harsh, professorial criticism, the industry has recently been proven right, and "regrets it" begins Smith. As evidence, he submits that "the price of Middle East crude oil is now at least 75 cents a barrel more than domestic." By this we are to understand that a barrel of Middle East oil which cost less than $2.50 a few months ago now costs $4.50 a barrel—the implication being that such a fluctuation in the price of Middle East oil, if we were dependent on it, would throw our national economy out of balance. In the meantime he drops the subject, talking about other points of interest, while the idea that a barrel of Arabian oil is sky-high sinks into our heads. Ten paragraphs later he returns to foreign oil and we discover that he wasn't talking about the price of Middle East oil at all, but rather the cost of shipping it. According to Smith: "The leap in the price of overseas crude oil is a result of soaring tanker costs." Perhaps, if this is true, it could be argued that since shipping charges are part of the final price, the figure $4.50 per barrel is correct. But if we take a close look at Smith's sources we learn that he is really talking about "spot charter rates." Says Smith, "Spot charter rates have risen to their highest level since the 1956 Suez crisis. . . ." To understand what he has in mind, one has to know a little about world oil shipping.

About 90 per cent of transported oil is shipped in large tankers either owned outright by large oil companies or leased by them under intermediate or long-term charters from one to 20 years. The cost of shipping this oil is fixed by the charter contract. Only 10 per cent of oil transport is carried on what are called "spot charters," usually small tankers that are hired out for single trips. The spot charter market is extremely sensitive to slight changes in the supply and demand situation and is thus historically very volatile and fluctuating.

Two incidents late last spring pushed the spot charter market way up. One was a break in the Trans Arabian Pipeline carrying oil from the Persian Gulf across Syria to the Mediterranean, which could be repaired in a few hours but which the Syrian government has neglected to fix. The other incident was the Libyan government's cut-back of 15 per cent of its oil production, which the government claims it is doing for conservation of natural resources. Both incidents are no doubt part of an effort by both countries to get a bigger piece of the oil profits. The result has been that tankers which ordinarily pick up oil in the Mediterranean have had to be rerouted around Africa to the Persian Gulf to pick up replacement oil, and these tankers have to be hired on the spot market. Because of this dislocation in tanker transport, the spot market has for the last three months been sky high, even though the wellhead price of Middle Eastern oil hasn't risen at all.

Take Me for a Ride

Smith's figure of $4.50 per barrel for Middle East crude oil represents some of the highest spot charters in the last three months. For example, if some refiner had to pick up a spot charter for a 20,000-ton tanker in early June, it would cost him $4.50 a barrel in New York harbor. If you take an average of all spot charters, which are listed daily in a publication called "Platt's Oilgram," you come up with a figure somewhat less than Smith's $4.50. The average figure is still high, but it is still an average which represents only about 10 per cent of total oil transport—the marginal spot market. Pointing to a law of economics that prices tend toward the margin, the oilmen argue that the price of oil overall has gone up as a result of the high cost of spot charters. That is correct but, according to the London Tanker Broker Panel's Weighted World Average of Tanker Freight Rates, the cost of shipping oil has gone up approximately four

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per cent as a result of the Syrian and Libyan cutoffs. This more significant figure can also be found in "Platt's Oilgram." It amounts to an increase of about five cents a barrel, not Smith's "leap in price" of $2.00 a barrel.

In an interview, Smith was asked where he had come by the figure $4.50. He replied that he had gotten it out of the *Journal of Commerce.* Was he talking about spot charter rates? "Yes, of course." Does the *Journal of Commerce* list spot charter rates? "No." Where then did Smith get his information? "It could have been from 'Platt's Oilgram.' I just don't remember; it was the talk at the time."

At about the mid-point of the article, the author returns to state three essential messages of the piece:

> Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.
>
> There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.
>
> The Oil and Gas Journal, a trade publication, reports that Professors Phillip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

The first paragraph is a new version of the twisted price calculation on oil imports. The second amounts to a trial balloon for a price increase on domestic oil. The third paragraph is crucial, because Areeda and McKie were respectively the executive director and chief economist of the staff of the Cabinet Task Force on Oil Import Control—which had recommended a shift to a tariff system, and whose recommendations were being restudied by General Lincoln, Attorney General Mitchell, and the Oil Policy Committee. By inserting the above statement right after his discussion of foreign oil prices, Smith implies that as a result of high spot charter rates even these two tariff supporters, Areeda and McKie, have become convinced of their folly.

An Impeccable Source

Smith got his information on Areeda and McKie from an article entitled "Look Who's In Favor of Restricting Imports Now"—written by Gene Kinney in the *Oil and Gas Journal* of July 13, 1970. Kinney's discussion of Areeda and McKie was in reference to a closed door seminar of "petroleum economists" the two attended in Jackson, Wyoming, some months after the task force disbanded. The two gave lectures explaining their position in favor of a tariff system. According to Kinney, Areeda and McKie stressed the "[task force] reports finding that imports should be limited to protect national security—although their first proposal was for unlimited imports." What Kinney is saying here is that while the task force report favored a tariff system *with* some quota-like limitations, Areeda and McKie had originally been pressing a proposal for a free-market with unlimited imports. This statement is false, as Kinney conceded in an interview. He said he was aware that the free-market proposal was just one of several alternatives being analyzed by the task force staff. At the President's direction, the task force staff considered *all* conceivable import schemes, including one for an absolute embargo on oil imports, which would make the U.S. 100 per cent self-sufficient. Along with the free-market proposal, it was discarded early, as the task force looked into more moderate solutions. According to informed sources, the solution most favored by the staff of the task force was a tariff that would in effect let in enough foreign oil to roll back the price of domestic crude from the present $3.30 a barrel to about $2.50 a barrel. A majority of the task force itself recommended a tariff that would roll back the price of domestic crude oil to $3.00 a barrel. At no time was anything approaching a free market with no controls seriously considered.

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Kinney's article was a normally exuberant trade journal story, but William D. Smith went him one better. He took Kinney's false statement—that the economists had "backed off" from free trade to a tariff position—and amplified it into a general backing off toward no increase in oil imports, i.e., toward the status quo of the import quota system. Evidently, Kinney's conclusions in the two-week-old article required neither investigation nor qualification from Smith. Instead, he took a less responsible version straight from the *Oil and Gas Journal* to the front page of *The New York Times* financial section, where he also managed to juxtapose Areeda's and McKie's backstepping with leaping prices on foreign oil and the oil crisis. The impression emerged that our maligned petroleum industry could make it, but was strained and might need a little help. Smith's concoction was therefore quite useful to the crusade against tampering with oil import quotas.

"Remarkable Even-handedness"

One of the leading supporters of the oil industry in the United States Senate, Senator Clifford P. Hansen (R-Wyo.), found the Smith article valuable enough to have it reprinted in the *Congressional Record* on Monday, July 27, the day after its appearance. He introduced it with some remarks, perhaps for General Lincoln and his restudy committee:

> Mr. President, the business and finance section of yesterday's *New York Times* contained a lead article about this country's oil industry.
>
> It proves to be highly interesting reading and serves as an excellent summary of where this vital industry finds itself today. . . .
>
> All in all, Mr. President, the *New York Times* article is an important one and serves to point up the situation in which we find ourselves. It is vital, I believe, that more persons within the Congress and elsewhere fully understand the consequences of possible executive and legislative actions.
>
> I ask unanimous consent that the article by Mr. Smith be printed at this point in the *Record*.

On Tuesday, Representative Rogers C. B. Morton (R-Md.) took the fairly unusual step of having the Smith article re-reprinted in the *Congressional Record*. Rep. Morton, who is chairman of the Republican National Committee, introduced the article with a speech similar to Senator Hansen's. That same day, Representative Omar Burleson (D-Tex.) found it necessary to have the Smith article reprinted in the *Record* for the third time, declaring that "on Sunday, July 26, *The New York Times* published a story which is remarkable both for its information and its even-handedness."

Finally, on Wednesday, Senator John Tower (R-Tex.) had the article reprinted in the *Record* for the fourth time in three days. Senator Tower is often considered the dean of the oil Senators, at least while Senator Russell Long (D-La.) is busy on the welfare bill.

There was no criticism in the Congress and very little in the press. Smith's ideas sold, and the oil "crisis" became lumped indiscriminately with the natural gas, power, fuel, and energy crises, which were also in the air.

On August 13, General Lincoln called a press conference to announce that the Oil Policy Committee had decided to reverse the recommendations of the Cabinet Task Force and stick with the import quota system. He announced that "recent developments have increased misgivings about moving to a tariff system at this time and about a tariff system as a feasible method of controlling oil imports."

How does it happen that a member of the public press serves the oil industry so well? In an interview Smith explained it this way: "I know that some of my data may have been a little imprecise. I had to slap the article together in an afternoon. I was working on a short piece about natural gas when my editor told me he needed a lead story with a big picture for the next day. I don't remember where I

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got some of the facts, but if you think someone planted them on me, I doubt it." When asked if he had interviewed any people who might be considered oil critics, Smith replied, "No, anti-oil people don't come up here badgering us to get their points of view across; the industry does. My job is to report about the industry; other reporters down in Washington get the government's story. I interview the president of Standard Oil of New Jersey; he gives me the partyline and it is my job to quote him. Let's make one thing clear, if I wrote articles against the oil industry I wouldn't get into much trouble either, because the oil industry doesn't advertise much."

Thomas Mullaney, Smith's superior and editor of the financial section, put things somewhat differently: "You can't just look at one article. Our coverage is very broad. We have some articles on the industry side, but there are others on the government side. You have to look at a number of articles over a long period of time to get a more balanced view."

Mullaney's balance-of-bias concept of a newspaper's journalistic obligation is quite embarrassing to many people at *The Times*. One high staff man discussed the article as follows:

> Sure, that piece is very bad. Some of our reporters write stories that they think will please their sources in the industry. We know that. It is a tough problem of character, not real venality. But there's nothing uniformly bad about the *Times*' coverage of business. There is an awful lot of tough, hard-headed reporting on the other side. Sure, there are occasional bombs, and our task is to bring the dogs up to the level of all the real aces. But on the whole, we are very proud of our coverage.

The financial pages of many newspapers, like the real estate pages, fall prey to phony coverage. A sloppy reporter can easily fall into the trap of leaning on industry sources for a quick but one-sided story. It is much tougher to research all sides of every story, and to build a sense of discrmination—to distinguish between the legitimate business case and the deceptive propaganda. It is mugh tougher to really dig out the public interest in every business story, and doing so is much less likely to earn regular approval from powerful private corporations.

The financial section of *The New York Times* has been remiss on this score. The editorial page has generally given the other side of the issue on U.S. oil policy, but no newspaper should expect its readers to fumble back and forth between William D. Smith and the editorial page before drawing any conclusions—any more than it should expect readers to reserve suspicions until they grasp Mr. Mullaney's strange idea of balanced coverage over time.

At least some influential people at he *Times* are aware of this shortcoming on their business pages, and there have been internal efforts toward reform, thus far unfruitful. The paper's voice in public affairs is too important for these efforts to fail. ■

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Moral Ostrichism: Blindness on a Bank Board

by John Rothchild

It is a tribute to the invulnerability of banks that the National Bank of Washington, the city's oldest and third-largest bank ("with the youngest ideas") has managed to remain so anonymous throughout the recent history of United Mine Workers of America scandals. Not one of the six customers interviewed in a cursory poll taken last month at the bank's main office was aware that three fourths of the shares in their bank are owned by the UMWA, or that the bank has been named, along with the union and the trustees of the union welfare and retirement fund, in a $72-million lawsuit that charges conspiracy to deprive miners of money that rightfully belongs to them.

No union since the Teamsters has had to defend itself as much as the UMWA during the last three years, and no man since James Hoffa has been as popular a target as W.A. (Tony) Boyle, who is at once the union president, a trustee of the pension fund, and a board member of the bank. The union is struggling through at least four major lawsuits, including one brought by the Labor Department to invalidate Boyle's election in the bitter 1969 union fight. It is bogged down with myriads of irate editorials, court depositions and orders, a

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major Senate investigation, plus FBI, Justice Department, and Internal Revenue Service probes into its activities. The union has been accused of balloting frauds and bribery in recent elections, extortion in making miners on pension funds continue to pay union dues, nepotism in paying relatives of union officials large sums of money (Boyle's daughter, Antoinette, has collected $190,000 from the union in the last five years, and, up to now, nobody has explained what she could possibly be doing in Montana that would justify those fees), and general mismanagement of union money for the enrichment of top executives. A local union official in Tennessee has been charged with the murders of Joseph Yablonski, who challenged Boyle in the last union election, and his wife and daughter.

Meanwhile, the union's bank remains respectably invisible. The bank's impressive board of directors, a long, doughty line of Washington pillars, continues to lend the support of its big names to the union's countinghouse. The board includes Clark Clifford, former Secretary of Defense; NBW president True Davis, former U.S. Ambassador to Switzerland and Assistant Secretary of the Treasury, and unsuccessful candidate for the Senate; Crosby N. Boyd, chairman of the board of the Washington *Star*; Joseph Danzansky, president of Giant Foods; Stephen R. Woodzell, president of Potomac Electric Power Company; and Elwood R. Quesada, former director of the Federal Aviation Agency and now president of L'Enfant Plaza Corporations.

Union as Big Business

The bank that they represent was purchased by John L. Lewis for the mineworkers in the late 1940s, during the time when the union was making its final entente with big coal operators and when Lewis, long-time opponent of capital, was carrying on a curious flirtation with investment. In effect, during those years of union struggle, a war chest had been accumulated, and it was big enough, by 1948, to bankroll financier Cyrus Eaton, to buy up whole coal companies and coal shipping outfits, and to acquire the bank, through which these other purchases and loans were made. When the union bought it, the National Bank of Washington was a small outfit with about $56 million in assets. In a short time, it grew to over $200 million, and Lewis engineered its expansion, which included buying up other small banks, like the Hamilton and the Liberty.

It was considered the final irony that Lewis, the scourge of the owners, would end up leading his union into ownership of coal companies and high finance. Maybe he knew that the only future for the miners was for them to collectively become owners. Maybe he couldn't resist mining all those union dues, making them produce something, much as the coal operators fashioned coal to produce money. But whatever the reasons, the millions the union loaned to Cyrus Eaton, the complexity of the new assets, and the size of its bankroll transformed the union into something far different than an association of workingmen—it was now a corporation whose strength included, but did not depend on, the small coal miner and his strike. And while the union money ostensibly belonged to the coal miner, its managers would not always remember him.

The bank describes its connection with the union in the same ambivalent tone which our government reserves for freedom-loving dictators. In principle, bank president True Davis praises the virtues of working for a union bank. He is proud to be associated with the hard-earned money gained through the sweat of coal miners. He says that having ties with the union is "a tremendous asset because there are many other unions who have deposits here and they are here because this is known as a union bank—many working-class people here in Washington individually bank here because it is a union bank." But in practice, no public mention is made of the union and

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no connection with it is advertised. The union is left out of the bank's public picture like a child with a harelip in an old-fashioned family photo album.

Nowhere in the bank's stepped-up publicity campaign do you see or hear any mention of the union, not in the newspaper ads, or the radio spots, or the TV sponsorship of Honor America Day. In the bank's annual report to the shareholders nothing is said about the union, and in the list of the board of directors, only one, Tony Boyle, is identified as being from the union, an identification, in his case, that is hardly avoidable. Edward Carey, general counsel for the mineworkers, is identified only as "attorney at law," and Thomas Ryan, comptroller of the welfare and retirement fund, is cryptically dubbed "welfare executive." As the bank publicizes the future opening of yet another branch (there are already 19 around Washington), it touts its "great cast of bankers," but fails to mention the great union that owns the bank, the one True Davis says is such an asset in attracting the workingman's deposits.

Shoulder Shrugging

The men on the board of directors of the bank, in describing the limits of their responsibility, sound like a 1950 civics book. They talk of their world as if it were divided up into inviolate boxes—legislative separated from executive, bank separated from union, decisions separated from consequences. And while they go on working to make the union richer, the directors say the bank has nothing to do with the union. They defend themselves by postulating that the union that owns them exerts no influence, no pressure on the bank's activities, as if morality was defined in pounds per square inch.

When True Davis was asked about the charge that the union's welfare and retirement fund defrauds miners through the use of a non-interest-bearing checking account which is kept in his bank, he said that union affairs "are none of my business." He said that whatever second thoughts he had on becoming president of the bank were dismissed after a conversation with his predecessor, Barnum L. Colton, long-time Lewis associate who became director of the bank soon after the union acquired it. "You wonder yourself what is the relationship [between the union and the bank]," Davis said. "I checked with the former president, Mr. Colton, and he said that he ran the bank effectively and there was no influence of the union on the operation of the bank. They [the union] considered the bank a good investment, and since I've been here that has been the case."

Colton's independence was probably very reassuring, when you consider that the union never influenced him even though it once loaned him $16.6 million and used him to purchase more shares in the bank. It takes a tough man to remain unilateral when he is receiving bilateral aid.

There are other men, besides Colton, who do not let their connections influence their thinking, who, with exemplary strength, are not coopted or influenced. One is Crosby Boyd, who both sits on the board of the union's bank and is the chairman of the board of the Washington *Star*. Since the *Star* writes about union activities and bank activities, one might suspect a conflict of interest in Boyd's position. But Boyd says that he has no editorial power or influence on his paper's policy. It is remarkable that a top executive would be so powerless, but Boyd lives with it. He said that the editor, Newbold Noyes, makes all the editorial decisions and Noyes is free from any pressure from him. In fact, Boyd just passes on letters of complaint, whether they be from the UMWA, the bank, or some unknown, without his own comments and as a matter of routine.

But before you conclude that the *Star* isn't really vigilant about conflicts of interest, consider the case of Fred Barnes, who works there as a reporter. Barnes covered the union, then took a

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leave of absence to serve as a press agent for the Yablonski campaign, then returned to the *Star*. After his return, the Yablonskis were murdered, and the paper assigned Barnes to cover the story. But suddenly he was taken off the UMWA assignment and told not to write further mine stories.

Crosby Boyd explains it this way: "He [the editor, Noyes] found some evidence of writing that was not impartial."

Boyd's definition of partiality, however, must differ strikingly from that of editor Noyes, because the latter says that there were no evidences of partiality or bias in Barnes' stories, and that, quite to the contrary, those stories were excellent. The way editor Noyes tells it, Barnes was taken off the mine story simply because his past connection with the Yablonski faction would make it bad practice for him to continue covering the UMWA.

It may be that Boyd's position on the bank board led him to read Barnes' stories with a jaundiced eye and led him to see partiality in those stories where the editor did not, thus illustrating, through his own evaluation, the dangers of conflicts of interest and how they can alter one's judgment. But since Boyd apparently doesn't believe in conflicts of interest, and minimizes their danger in his own case, perhaps he should try to get Barnes restored to the mine story, now that he has learned that Barnes' writing on the subject was not biased. Or maybe Boyd, an executive, trusts himself in matters of conflict more than he trusts Barnes, a reporter. The *Star* seems to feel that way. It has allowed Boyd to retain his current position on the union's bank board and retain his stock in the bank, while Barnes has not been put back on the mine story because of his past connections with Yablonski.

The case of Tony Boyle's autonomy is even more exemplary than that of Colton, Davis, or Boyd. Tony Boyle, it is explained, is the trustee of the welfare and retirement fund, but he acts independently from Tony Boyle, the president of the union, and these two men are kept in strict isolation from Tony Boyle, who sits on the board of directors of the bank. Such an absolute separation of power is almost supernatural when you consider that, in practice, the welfare and retirement fund has been charged with defrauding the pensioners for the benefit of the union coffers and the bank's net profit.

Pensions for Profit

The fund was established in 1950 as part of the National Bituminous Coal Wage Agreement that was the final coming together of union and management in a truce that has remained inviolate ever since. The fund provides pensions for nearly 70,000 miners, plus medical and hospital care for working miners and death benefits to surviving widows. As established, the fund gets its revenue from a fixed levy put on the amount of coal produced, and the coal companies, since 1952, have been paying 40 cents a ton to the fund, which is set up on a pay-as-you-go basis, and takes in and disburses between $175 and $200 million a year. The fund was meant to be separate from the assets of the union, managed for its own growth, and run by three trustees, one from the coal operators, one from the union (Boyle took over this job in 1969), and a third, or "neutral," trustee.

Substantial portions of the pension fund's assets were put into a non-interest-bearing checking account in the National Bank of Washington, in balances varying from as much as $70 million to about $20 million. After considerable public outcry about the nearly $70 million kept in the checking account in 1968, the pension trustees reduced the amount to a total $26 million in 1969.

The pension fund, then, was not gaining the interest on millions of dollars, which could mean up to as much as $3.5 million in some years, and between $10 and $25 million over the life of the fund. What this means is that the National Bank of Washington, where the checking

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accounts are kept, gained windfall benefits from having all this free money to invest and the union, which owns nearly 75 per cent of the shares in the bank, benefited from that money in terms of higher dividends.

A pension fund spokesman declares that the fund only reached the $70-million level during periods when mine strikes were possible and ready cash was needed in case the coal companies' payments to the fund, which are tied to current coal production, were stopped when production stopped because of a strike. He said the present $26 million in the checking account provided a necessary two-month emergency back-up.

However, a suit brought by a group of miners and pensioners in U.S. District Court in Washington, *Blankenship vs. Boyle*, charges that the checking account was used deliberately to deprive the pensioners of the extra income to the benefit of the bank and its stockholders. (The suit also charges that administrative expenses of the fund, which run about $6 million a year, are excessive, and that the pension fund's investment portfolio, which included electric power companies, was mismanaged and produced a paper loss during the middle 1960s when everybody else was reaping bonanzas from the stock market).

True Davis says the decision to keep $26 million in a pension fund checking account is merely a question of business judgment, such as "Do you like striped ties, or do you like checkered ties?" Other bankers don't agree. A New York bank president, after the fund's operation was explained to him, said that there are many ways to keep large amounts of money readily convertible back to cash for emergency use on short notice and still gain interest on the money. "If the fund ever leaves the bank," he said, "tell me so I can get it into my bank."

The possibility of a correlation between yearly profits of the bank and the size of the pension fund checking account was admitted even by the comptroller of the fund, Thomas Ryan, testifying before a Senate subcommittee a few months ago:

> Mr. Ryan: Just as a commonsense businessman, I would assume that the earnings of the National Bank of Washington declined last year because of the loss of deposits that they suffered.
>
> Senator Pell: And perhaps the welfare fund withdrew some of its funds, dropping it from $70 million to $30 million.
>
> Mr. Ryan: That could possibly be the reason. There is no doubt that the welfare fund did withdraw some of its funds.

Beyond the practice of helping the union, one Washington banking expert says that the connection the bank has with the union, the millions of dollars in easy assets, has made the National Bank of Washington complacent. He says it has abdicated its responsibilities as a bank to the community. "This is one reason," he says, "why banking in this city is so damn poor. The National Bank of Washington doesn't do a damn thing for the community." With massive union assets, the bank can continue to turn over fairly happy dividends to its stockholders without having to worry about competing to attract new capital or making the fullest use of its money. The National Bank of Washington has always maintained the image of being the stodgiest, perhaps even the stingiest, bank in the country, or, as it prefers to put it, "the most liquid bank in the world," built on a secure foundation of hard cash and low-yield government bonds. Its loan policies have been constipated. While most banks loan out between 50 to 60 per cent of their total deposits, the National Bank has the incredibly low loan ratio of between 30 and 40 per cent. This means that many millions of dollars that could be put to use in the community are frozen in the bank, and because of its favored relationship with the union, the bank hasn't had to alter its policy. True Davis says he is changing the loan policy to be more responsive to the community.

Davis is unaware of certain policies that have taken place in his own bank. He says, "I don't believe there has been a

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loan with an official of the union. I certainly would not approve of one because that would not be consistent with good banking policy." He also stated that to his knowledge no union people had taken out mortgage loans. Yet a check at the Rockville, Maryland, courthouse shows that he is wrong. In 1961, Edward Carey, general counsel for the union, got a $22,000 mortgage loan from the National Bank of Washington, and in 1965, Willard P. Owens, another union lawyer, got a $42,000 mortgage loan. Others on the union payroll have also received such loans.

We can't blame Davis too much for things that happened before his time, but he should be interested in finding out how the union uses his bank. When asked about the special executive pension fund that permits a few top union officers to retire at full salary, a fund that was taken from the union treasury and deposited in the bank and now holds about $1.5 million, Davis said, "I don't even know on that account—they have various accounts, and I'm not aware of how they have been identified."

Ethics of Unconcern

Whether pensioners or union members lose out because of the bank's policy, whether the union officials are getting away with extortion and fraud and enriching themselves at the expense of the coal miners, is of no concern to the powerful men on the bank's board of directors. The three board members whom I was able to interview all said the same thing—that they have nothing to do with the union and are in no way responsible for, or even associated with, its actions. A fourth member, Clark Clifford, was called four times, and once it was explained to one of his law partners the purpose of the interview. Clifford's unconcern was limitless enough that he did not grant the interview.

Stephen Woodzell, PEPCO president, offered that he didn't "see where that [union activities] is of prime importance," and added that "if Al Capone would deposit his money in the bank, you wouldn't turn him down." True Davis explained that "my job is to show the best earnings I can for the shareholders," that "banks should address themselves to profitability," and that "a bank has to be considered a neutral depository. We'd be damn fools if we started asking companies what they did with their money."

But what if Al Capone owned the bank? The directors that were interviewed showed less than minor concern toward the charges made against the union. The board members didn't even see the need for making any personal evaluation about the kind of men they are working for, taking an amoral rather than an immoral stance. True Davis says the union is none of his business, even though the union's business happens to be his bank. The UMWA keeps the bank as its investment and expects to profit from it, and True Davis says he is proud to provide the shareholders (the union) with the profits they desire. He works toward that end with his name, his talents, and his time. Yet he has no interest in evaluating the morality or legality of his employers.

Men like Davis, Clifford, and Crosby Boyd are often held up as community models, reasons that kids should stop blowing up banks. They are men who are called upon to evaluate the national or domestic interest, and yet, in their association with the union, they exhibit the apathy and myopia of the uninformed. In public language, they are often called disinterested—able to act on cosmic issues they probably can do nothing about—and yet in one small instance of injustice that they could effect, they are not disinterested, but uninterested.

We do, it is said, live in a time in which it is difficult to get involved, or to relate, to anything outside ourselves, and the board of directors of the National Bank of Washington are also afflicted with an inability, or unwillingness, to see how their formal actions in the paneled board room affect coal miners and pensioners in Appalachia.

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The Assault of Sound

by Robert Alex Baron

It was 6:00 a.m. on a balmy April day in 1964. The place was a six-block stretch of Manhattan's Sixth Avenue between Radio City Music Hall and Central Park, in the heart of New York City. Thousands of New Yorkers and transients slept in the cosmopolitan neighborhood of apartments, hotels, and schools.

Darkened windows of the apartment houses and the giant buildings owned by CBS, the J.C. Penney Co., and the Equitable Life Assurance Society looked down on a fever of activity in the street. "Slattery's Army" was moving into position, a position it was to hold for three years, from 1964 to 1967. It was a highly mechanized contractor's army, equipped with 80-pound-class pneumatic paving-breakers, track-mounted high-impact rock drills, giant cranes, and bulldozers. Its pneumatic tools were powered by a battery of five portable air compressors, each with a normal discharge pressure of 100 pounds per square inch and a full-load speed of 1,750 rpm. The compressor engines were noisy, six-cylinder diesels of 900 cubic feet per minute (cfm) capacity.

Workers with scarred eardrums were preparing to launch an open-cut subway extension project for the New York City Transit Authority. As luck would have it, the Slattery Construction Company had chosen the southwest corner of 55th Street and Sixth Avenue, just opposite the windows of my apartment, to assemble the five compressors.

The operating engineer started the battery of air compressors. Jackhammer and rock drill operators hunched forward, waiting for the compressed air to feed their vibrating pneumatic tools.

Suddenly, all hell broke loose. What someone later termed "a symphony of insanity" had begun. The overture to a three-year concert combined the sounds of air compressors, jackhammers, rock drills, chain saws, and dynamite blasts, with additional instrumentation by cement mixers, vibrators, cranes, and portable generators. All were unmuffled or inadequately muffled, through economy or through indifference and ignorance. And there was no practical escape from the din.

What happened to the residents of my neighborhood, as I was to learn, is already happening or will soon happen to millions of human and animal receivers of noise. The clatter of a jet or helicopter flight path; the incessant hum of a thruway; "temporary" construction sounds; the multi-level buzz of a dozen modern kitchen conveniences; conversations of neighbors in the next apartment; automated office equipment; the roar of an air conditioner; power lawn mowers, chain saws, and mechanized farm implements—you don't have to live

This article is adapted from Robert Baron's book, The Tyranny of Noise *to be published by St. Martin's Press this month. Copyright 1970 by Robert Alex Baron.*

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near a subway project to suffer from noise. And nobody, especially in the United States, has any incentive to design for noise control.

It was no secret that upper Sixth Avenue was noisy. Three months after the start of the subway project, an acoustical engineer told a reporter that Manhattan was "the noisiest place in the country and probably the whole world," and upper Sixth Avenue was the worst area in the city.

From 7:00 a.m. to 4:30 p.m., for a period of three years, my family and my neighbors dwelt in a noise environment far higher than that permitted at the property line of factories by New York's zoning code.

One's first reaction to a noise assault of this caliber is to believe, then just hope, then pray that the nagging noise will go away. But it continued. Daytime telephone conversation was possible only during the golden half-hour when the construction workers stopped for lunch. Office personnel were tormented by headaches and other noise-induced ailments, including short tempers. Many of us residents seemed to become absent-minded: neighbors reported taking showers without removing eyeglasses or articles of clothing. We couldn't converse in our own apartments without shouting.

Doctors could only offer their patients tranquilizers and sympathy. Those with offices in the vicinity were themselves complaining, not only of the discomfort, but of the impossibility of using stethoscopes for diagnosis. A neighborhood drugstore made news because of its phenomenal sale of ear-plugs; another shop featured acoustic earmuffs in its windows.

The intense noise proved to be an economic as well as a personal blight. The Ziegfeld Theater lost bookings. Real estate rentals dropped. For-rent signs in midtown New York are normally as rare as dodo birds, especially in so convenient a location as upper Sixth Avenue, but now they blossomed in front of the luxury buildings lining the Avenue. Tenants broke leases and moved. One management reported a $7,000-a-month loss in rentals.

We did not get used to the agony of living with nagging, reverberating noise; indeed, we became super-sensitive to other noises.

Naively, I decided to take action.

First I complained to the neighborhood policeman. Patiently, he pulled out a collection of mimeographed notes. One dealt with noise complaints.

"Look!" he said. "There it is in black and white."

I looked. Construction noise from 7:00 a.m. to 6:00 p.m. was exempt from the anti-noise ordinance.

Well, I would appeal directly to the Transit Authority.

This bureaucratic dictatorship, I was to learn, was responsible to no one. The noise, I was flatly told, was the price of progress.

The price was too high. I decided to try the contractor. His representative told me in so many words (that I can't print) that the noise would remain as it was. The contractor told newspaper reporters that "concentrating the compressors in one spot is the most humane way to handle the problem."

City Councilman (later Congressman and now New York State Supreme Court Judge) Theodore Kupferman talked to the contractor and was told: "Nothing will be done." The representative of the people was as helpless to control the noise as the people themselves.

I wrote to the Commissioner of Health, asking for a meeting. I received no reply, and went over his head to call one of the four doctors on the Board of Health, only to hear that the noise of construction at Bellevue Hospital was disturbing *his* work! Nevertheless, I demanded some attention. Persistence (and threat of a lawsuit) finally made the Health Department act—they passed the buck to the Police Department.

A police sergeant visited me at home, listened politely, and told me he would hear Slattery's side of the story. When I didn't hear from the Police Department

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within a reasonable time, I wrote to the Sanitary Inspection Division of the Health Department asking for a report. The reply referred me to the Deputy Police Commissioner in charge of community relations. I called that office and was told that it was merely a liaison with the Health Department. I was referred to the Chief Inspector's Office. I called that office and was referred to Patrol Headquarters, Manhattan South. After persistent inquiry, I was told that this project was classified as temporary and "emergency work" and that permits had been issued for necessary drilling, and so forth. (In other words, I had no grounds for complaint.)

And meanwhile the buck continued to be passed. The Transit Authority claimed it was following traditional construction industry practice in accepting the contractor's noise levels. The contractor said he was using the standard equipment available to him. The manufacturer of the air compressors said he was not responsible for the noisy engine that powered his compressors: he had to buy the components that were on the market. GM's Detroit Diesel, manufacturers of engines for compressors, told me it designed engines to meet the needs of the market, and no one was asking for quieter engines.

When Governor Rockefeller refused to intercede with the TA, I tried the federal level. I asked the Division of Occupational Health of the United States Public Health Service if an official noise survey could be made. I was told: "At the present time the U.S. Public Health Service does not have funds available nor would it be possible for us to do this work unless it was requested by the City of New York." I asked also if the PHS had any recommended standards for community noise and was told it had none, even though more and more of the population is being drawn into the insane symphony of urban life.

A Vast Earsore

Demographers predict that by the year 2000, 50 per cent of the population of the United States will live in three supercities: "Boswash," a megalopolis stretching from Boston to Washington, D.C.; "Chipitt," stretching from Chicago to Pittsburgh; and "Sansan," encompassing the area from San Diego to San Francisco.

There may be as many urban buildings constructed in the next 40 to 50 years as in all mankind's history.

Cities and suburbs alike will reverberate to the roar of the jackhammer and the air compressor as they strain to accommodate the 80 per cent of the population expected to live in urban areas by 1985. Some idea of what it will be like is already heard in New York City, with its annual average of 10,000 demolitions plus 80,000 street repair projects. To add acoustic insult to the "normal" construction noise injury, the construction industry is planning to use helicopters to place heavy slabs of concrete and other building parts into position. The Westchester County, New York, local of the International Union of Operating Engineers (its members operate air compressors) is training some of its members to operate helicopters for that purpose.

So where does one go for quiet? Honolulu, where the pressure of complaints led to formation of a Mayor's Committee on Noise Control? The Virgin Islands, with a new jetport for St. Thomas and St. Croix? Snowmobile country in the north woods?

The noise-harassed citizen is not even permitted the essential of quiet living space. The misconception that a decent acoustic environment is a luxury rather than a necessity and a human right, plus greed and the pressure of competition, encourage the builder to ignore noise insulation. In the United States there is no national code for dwelling sound control. Though such codes could be found in Europe as early as 1938, not until New York City adopted one in 1968 did a single American municipality have a building code with noise control provisions.

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In most cases, you can't sue. You don't even have the right to stop the overhead neighbor's son from pounding away with a full complement of drums and amplified rock'n'roll instruments. When his $400-a-month tenants threatened to move out, one Manhattan landlord tried to evict a young drummer's family. The judge ruled: "While the court can sympathize with the neighbors who may be annoyed by the sound of drums, that is the price they must pay to live in a city apartment." He referred to children learning to make music as some of the more civilized sounds of life.

The "Wallopin' Whale"

The Industrial Revolution gave business and industry great power—including the right to pollute, the right of the machine to be as noisy as it is today. This state of things typically means that the maker of machines is free to choose his design goals, and must not be pressured by laws or ordinances to spend time or money for quiet.

Society seems to look upon any degree of excessive noise as it now regards pornography—if it contains a modicum of social value, it is not obscene.

For example, most cities do not regulate the noise levels of air conditioners. As long as the apparatus is operating properly, judges will not recognize a noisy air conditioner as a nuisance. In a precedent-setting case, one court ruled that an air conditioner is a product of man's search for improved comfort and enjoyment, and the fact that it may cause some annoyance to others does not justify denouncing its use as criminal.

Certain magic words can ward off any meaningful regulation. These words are: socially useful, temporary, and mobile. Many communities have adopted the model anti-noise code recommended by the National Institute of Municipal Law Officers.

Written to cover "unnecessary and unreasonable" noise, it is a license to pollute. Here is part of the "preamble" to New York City's "model" anti-noise ordinance:

> Unnecessary noises: Prohibited. a. Subject to the provisions of this section, the creation of any unreasonably loud, disturbing, and unnecessary noise is prohibited. . . ."

That word *unnecessary* is the fly in the ointment. It is not interpreted as meaning capable of being designed to make less noise, or capable of being muffled. An unnecessary noise is a noise without social utility. Dog barking and promiscuous use of the auto horn are deemed to be without social utility. Construction noise is the result of a socially useful activity, and therefore free from restraint.

Daytime construction noise is specifically exempt from regulation. All municipalities that have adopted the model code contain a clause similar to this one, found in the New York City Administrative Code, prohibiting

> . . . the erection, including excavating, demolition, alteration or repair of any building other than between seven ante meridian and six post meridian on weekdays, except in case of urgent necessity in the interest of public safety and then only with a permit from the commissioner of buildings, which permit may be renewed for a period of three days or less while the emergency continues.

This is acoustic anarchy with a vengeance. Any degree of construction noise can be legally maintained from 7:00 a.m. to 6:00 p.m. (and through the night with an easily obtained permit), six days a week (and Sunday by permit), week in and week out for many months and years. It is noise legally defined as temporary and necessary and thus excluded from the laws of nuisance.

It is, for example, the intense noise generated by giant portable air compressors that force-feed the jackhammers with enough pressure to enable them to slug away with 1,100 80-pounds-per-square-inch blows per minute, while exuding waste energy to the tune of 105

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or more decibels. It is noise made by the giraffe-like pneumatic rock drills employed to drill holes for dynamite charges. It is the incredible noise made by another pneumatic tool, the tamper or compactor used to beat down the soil or for subsurfacing. One model, the "Jumping-Jack," delivers a 1,000-pound sock at the rate of 350 to 700 blows per minute. Its cousin, heavyweight "Wallopin' Whale," delivers 3,400 to 6,000-pound blows at the rate of 1,500 to 2,000 per minute. Construction equipment is not designed for human compatability. The air compressors and jackhammers do not have to be muffled, and neither do the cranes, bulldozers, or transit cement mixers.

By giving moral and legal sanction to noisemaking, we have made outcasts of those who suffer from noise. They are made to be ashamed of their suffering, as if it indicated some flaw in their character, a desire to stop civilization's progress. They feel constrained not to convey to their family or friends how they feel. Many choose to suffer silently, rather than chance ridicule.

Among the hundreds of letters Citizens for a Quieter City (CQC) received after my appearance on the Johnny Carson *Tonight* show was one from an elderly woman who found relief in writing to an organization that understood what she was going through. All her life, she wrote, she not only suffered from noise, but had to hold back her complaints.

CQC's first office was a sublet in the Theatre Guild building. A public relations man wandered into the place one day by accident. Instead of excusing himself and departing, his eyes fastened on our name plate. Cool and poised, this Madison Avenue huckster started asking questions about our operation. Suddenly he plunged from his poised demeanor into an agonizing description of his own noise problem:

"They've just opened up the second bar within earshot of my apartment. These two spots have become the "in" spots with the sports car crowd. I can't sleep. And now the building across the street has just installed a giant air conditioning unit on the roof opposite my window. That constant roaring is driving me bugs. . . ." And then he stopped as suddenly as he had started, visibly embarrassed. "My God, I'm not a complainer. I didn't mean to complain. I must sound like a kook."

Torture is defined as something that causes agony or pain, suffering, annoyance. These are the very terms the public and our social commentators use to describe what noise is doing to us.

Child's Terror

The brutalization of our society by noise is revealed by what we are doing to our children, exposing them to such excessive noise in their formative years that they tune out in self-defense and have to be educated to listen to verbal communication. The Mabaan children are taught to listen for self-protection. Educators have told me it is a commonplace in a city like New York that new pupils coming from low-income areas also have to be trained to listen. At home, amid probably many brothers and sisters demanding attention against the external noises of raucous street activities and heavy traffic, the children have heard speech chiefly as grunts, and had to pick even those out from among many other generalized human sounds. Apparently, in the act of screening out the destructive sounds of their environment, they have lost the art of focusing on speech sounds.

Pre-talking-age children who constantly hear noise-masked speech do not receive the full auditory value of the speech sounds in their surroundings. Consonants and vocal nuances are masked, filtered out, and the child learns an imperfect vocal pattern.

Tune-outs, especially among the underprivileged, growing up in noisy environments, may later become dropouts.

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As if to assure ourselves that our children will be prepared for tomorrow's noise-saturated world, we allow excessive noise to accompany them during their school hours. Most schools seem designed to be reverberation boxes. Hard floors and ceilings amplify the normal sounds of school activities. The students are sitting ducks for decibels. This is what one small-town Texas high school environment sounded like to a college professor of health and physical education: "In a single wing of the building, a half-dozen classrooms are hammered with afternoon noises—vocational education classes. The efficiency and effectiveness of the lecture classes drop and the students strain to hear. Fatigue and irritability of students and teachers is great."

Head in a Gong

The serious effects of noise pollution are not confined to children in the classroom. Dr. Aram Glorig and other medical men have noted that blood pressure goes up with noise exposure. What happens if the noise exposure is continuous, and extends over a long period of time? It has been discovered that the impact on the peripheral blood vessels is a prolonged one, that the vasoconstriction (tightening of the blood vessels) persists for a significant length of time even after the noise is stopped. Not only does the vasoconstriction continue after the noise stops, the return to a normal state is slow.

The physical quality of the noise seems to be unimportant. The degree of vasoconstriction these physicians observed was the same for the noise of a punch press, an air pressure hammer, or white noise. (White noise is a "flat" noise with a more or less equal distribution of sound energy across the frequency spectrum.)

People with systemic weaknesses would react to vasoconstriction differently from normal, healthy persons. This suggests the possibility that people with systemic circulatory or cardiac disorders would be more grossly affected by noise.

According to Rosen, adrenalin increase, if chronic, could elevate blood pressure. Noise, hypertension, and heart disease thus make for a vicious circle: noise can elevate the blood pressure, elevated blood pressure can contribute to heart disease, and heart disease can be a cause of high blood pressure.

Rats subjected to excessive noise have developed hypertension, with the older rats showing the greatest sensitivity to noise stress. As for humans, it does not require a sonic boom to trigger a sudden, potentially damaging increase in cerebral blood pressure. In one test, a popping paper bag raised the brain pressure more quickly than a hypodermic injection.

Disordered heart beats may be the central problem in at least 40 per cent of sudden heart-attack deaths, and they trigger most of the deaths during the first four days after an attack. Noise influences the heart's beat. Experimental work in the Soviet Union has shown a weakening of the contractions of the heart muscle from noise exposure. Many Russian workers exposed to continuous noise between 85 and 120 dB complained of chest pain, and medical examination of these workers revealed irregularities of the heart beat. Russian research shows that workers in high-noise ball bearing and steel plants have a high incidence of irregularities in heart rate, which in some cases can be fatal.

A town in New Jersey moved a firehouse siren away from the adjacent home of a boy with congenital heart disease after his doctor warned that the noise could throw him into a spasm that could be fatal.

Dr. Hans Selye pioneered a theory that the body produced these complex chemical changes to enable it to cope with stress. This stress reaction he described as the body's normal adjustment to an abnormal situation. However, when the stress is constant or too intense, the defense reaction itself becomes sufficiently extreme to be harmful. The adrenal glands become enlarged, the lymph tissues shrink, the

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stomach and intestines develop bleeding ulcers. He discovered that in patients who were under stress or tension from various sources, there appeared a number of vague, diffuse symptoms such as aches and pains, coated tongue, fever, and mental confusion.

Describing Dr. Selye's work, *Saturday Review* editor Norman Cousins wrote, "He has studied the effects of anxiety, stress and exhaustion on the adrenal glands. He reports a direct physiological connection between persistent tension and fear and the weakening of the total human organism. What happens, he finds, is that the supply of adrenalin runs dry and the body loses its chemical balance, or homeostasis. . . . The effects of adrenal exhaustion vary all the way from physical crippling to heart disease."

When chickens are stressed with noise a complex physiological change takes place. Air-ground military maneuvers in the midst of North Carolina's largest poultry counties provided the necessary evidence. Chicken houses were subjected to the noises from planes, trucks, tanks, and foot traffic. "The roar of the motors and rotors combined with dust and air movement seemed most effective in exciting the hens," reported Dr. Douglas Hamm, poultry scientist. Egg production was down.

Noise Spasm

Granted that a certain amount of stress is normal, and needed for survival, what happens when we ring the alarm bell too often? Day and night, urban man's nervous system is getting false alarms from sirens, helicopters, jets, trucks, cars, motorcycles, with and without defective mufflers. The constant rain of noise can cause a state of stress. Ecologist Dr. Bruce Welch compares being forced to live in an environment of constant high-level stimulation to driving at high speed in second gear, or maybe in first. At the very least, a lot of energy is wasted, rejecting and reacting to unwanted sounds of excessive amplitude.

Dr. Jansen's studies at the Max Planck Institute have shown that noise bursts of 70 decibels and more caused pronounced bodily reactions which, he believes, could lead to illness if continued and high. In his pioneering study of a thousand steel workers, the group working in noisy conditions—more than 90 decibels—had a higher incidence of physiological and psychological disturbances than a comparable group working under quiet conditions (61 per cent as against 48 per cent). The noise-stressed group also revealed a 24 per cent incidence of heart irregularities as against 16 per cent for the "quiet" group. In Dr. Jansen's opinion, many industrial noise levels cause such undesirable reactions.

Among the acousticians who have noted a possible relationship between stressful noise and physiological damage is Los Angeles physicist Dr. Vern Knudsen, who has been studying and working with sound for some 40 years. "I have always been sensitive to noise," he says, "and I even believe, though I have no proof, that my reactions to noise were significant in developing a series of ulcers in my duodenum. I knew that sudden noises cause violent stomach contractions, and I am convinced these contractions can exacerbate incipient peptic ulcers."

If noise stress activates the biological organism to seek quiet, what happens when that need cannot be met? A person can do something about hunger, thirst, and fatigue. But what happens if he can't avoid noise?

Perhaps the unmet urge for escape is responsible for the acts of violence triggered by noise. Extreme hunger and thirst have forced men to behave irrationally. Is it not conceivable that unrelenting noise may also produce acts of violence?

Most noise victims, however, do not give vent to their anger. And since they usually have no rights against the noise source, they turn their rage inward. Or, even if there is no conscious awareness of the irritation, the organism is tensed.

One result of unreleased tension may be headaches. The modern incidence of

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headaches is associated with industrialization. Some experts believe New York has the highest headache rate in the United States. Dr. Arnold P. Friedman, a psychiatrist-neurologist who runs the headache unit at Montefiore Hospital, New York City, believes that tension, or "nerves," accounts for 70 per cent of the headaches which are so severe they annually send 24 million Americans to doctors for help.

A sudden rise in blood pressure may cause a headache.

Noise causes a sudden rise in blood pressure.

Headache pain may be caused by contraction of the head and neck muscles in response to stress.

Noise causes stress.

Many headaches occur when the blood vessels around the brain swell and impinge on a sensitive nerve, or when the blood supply to the brain is choked off by tense neck muscles. The muscle tension constricts the arteries, and the subsequent dilating phase is the painful phase.

Noise tenses muscles.

Migraine headaches are most often triggered by emotional factors in persons whose blood vessels are predisposed to painful changes in diameter.

Noise changes the diameter of the blood vessels.

Can noise cause headaches? No one knows, but it seems plausible that a dose of quiet could hurt aspirin sales.

It would also seem that noise produces tension because it violates the "zones of sensory experience" described by anthropologist Dr. Edward T. Hall. Certainly noise is a trespass of the "social zone" four to ten feet from the body, and a trespass of the "personal zone" a little more than arm's length. But it seems to me that what makes noise so unendurable is that it also violates the "intimate zone," the one associated with lovemaking, comforting, and protecting.

Given all of this, there is good reason to suspect that in addition to chemical and physical reactions, noise plays havoc with our minds and our emotions. It is difficult to believe that noise which irritates, disturbs sleep, and constantly jars our nerves, just goes in one ear and out the other.

Echo Through the Body

Until recently doctors have resisted the idea that emotions can play a role in all diseases, including infections, cancer, and heart ailments. Now the medical profession is receiving a flow of research reports that establish a relationship between emotions and disease. Emotional disturbance was reported to influence the common cold, attacks of asthma, and even the state of one's gums. (Yes, dentists are being urged to include some psychology as part of their treatment.) Other medical researchers have suggested a link between emotional states and the ability to ward off disease states, or get well once an illness has developed.

One does not get used to noise. Somewhere in the human body, that sound is being absorbed—at an as yet unknown price. This is the law of the conservation of energy. Energy does not just disappear.

Whether or not noise annoyance is a health problem depends, to some degree, on the price to the human organism of "adapting," of making the necessary adjustments to an abnormal situation.

In 1966, Karl D. Kryter, who does research for NASA and the FAA at the Stanford Research Institute, reported: "There is evidence that following an initial adjustment to and learning the nature and meaning of one's noise environment people become less, rather than more, tolerant of continued exposure to aircraft noise."

There is a tendency to dismiss noises found in the everyday environment as unimportant because they usually are below such intensities and in many cases are of short duration. There is also a tendency to evaluate noise exposure as if the person so exposed was in perfect health and not undergoing any other intense stresses. An organ forced to

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adapt to one set of abnormal conditions may have difficulty adapting to another set of abnormal conditions. Scientific research has not yet come up with an exact limit at which health becomes endangered.

Most research has been done on the effects of industrial noise, not the variegated cacophony of today's civilized living. Is there periodicity or rhythm in the auto horn, the helicopter flyover, the jet flyover, the blender, the lawn mower, the garbage truck? All are sudden, unexpected. Adjustment does not seem possible.

If body tissue is penetrated by a needle with a given force, the pain decreases with repeated jabbing. Does the decline or even the absence of pain mean there is no tissue damage? Isn't the human nervous system being poked with the broad-band noise of an air conditioner, the sharp whine of a garbage truck, the staccato interjection of a jackhammer? To live with noise is not unlike living with electric shocks.

"Adapting" in any case to a continuing abnormal situation is like living with a bad marriage. Certainly a mismated couple scraping on each others nerves can "adapt" and continue living together. What is the price of that adaptation, both to the partners and to the children of such a family, and to the community? What decibel formula measures adapting?

Noise, at even moderate levels, forces a systemic reponse from the total organism. It is not only the sense of hearing that is involved. What is also involved is what happens after the brain receives the sound signal. The brain places the body on a war footing. The repetition of these alerts is exhausting. It depletes energy levels; it can cause changes in the chemistry of the blood, in the volume of the blood circulation; it places a strain on the heart; it prevents restorative sleep and rest; it hinders convalescence; it can be a form of torture. It can so weaken the body's defense mechanisms that diseases can more readily take hold. The organism does not adapt to noise; it becomes enured and pays a price. The price of this "adaptation" is in itself a hazard to health.

The effect of noise on health may—like radiation poisoning—be something that will show no clinically significant symptoms at the time of exposure or shortly thereafter. Conclusions must not be drawn from short-term observations. Nobody, even today, knows too much about how air pollution affects people. Doctors back in the 1920s were concerned about smoking as a health hazard, but it was not until recent years that medical science was able to establish a link between smoking and health. The same lag applies to noise. Some doctors and scientists have long suspected that noise is inflicting damage, but the nature of that damage is yet to be discovered.

The most constructive medical and commonsense position is the one taken by Jansen:

> Any sound or noise may *change physiological states;* and until someone will prove that these more or less repeated changes are negligible we must consider noise to have a possible detrimental influence on human health.

Noise per se may not be dangerous. But when noise becomes immoderate, as with anything else in life, it loses its innocence. It also loses its innocence when it strikes at those whose constitutions are weakened by ill health or old age. Noise may yet prove to be as deadly a threat to man as the noxious fumes about which we are presently hearing so much.

Someday we shall be able to count the dollar cost of noise, and diagnose its price in physical health. But, in trying to assay a direct dollar cost, we must not lose sight of the fact that this life on earth is a limited one. Noise, no matter how one interprets its impact, does "cost" man a portion of his human existence. I am haunted by the phrase environmentalist Ron Linton used before a meeting of the American Public Health Association: "What is the cost of a living day?" ■

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Gilbert Fitzhugh's Golden Fleece

by A. Ernest Fitzgerald

On July 27, 1970, an elaborately staged news conference took place at the Summer Palace in San Clemente. Emerging from a 90-minute meeting with the President, Secretary of Defense Melvin Laird had good news for the assembled reporters. As reported by the newspapers, the Secretary, his deputy David Packard, Henry Kissinger, and others had met with the President to discuss the then-secret Fitzhugh Report. Mr. Laird's message to the newsmen was that the report, a year in the making, would be released the next day, and that it would recommend changes in Pentagon procurement designed to prevent massive losses to taxpayers because of cost overruns on weapons programs.

After the San Clemente press conference made the news by announcing what would be reported, the report was issued with another press conference and the appropriate fanfare—followed by analyses and personality profiles, which kept alive the good news that the Pentagon was to be brought under control.

The Fitzhugh Report itself covered a broad range of Pentagon management problems, but the best-publicized items dealt with big weapons procurement and civilian control. The costly, overrun-producing procurement practices of the

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"Here's Your Badge And Blindfold. And Remember, The Last Watchman Was Fired For Watching"

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McNamara era were to be replaced by a careful, conservative, step-by-step procurement approach, popularly called "fly before you buy." Civilian control would be strengthened, with the Joint Chiefs of Staff put in their place through reorganization.

All this was handled masterfully, with the appearance of great toughness on the part of the Administration and Fitzhugh, the chairman of the board of the Metropolitan Life Insurance Company. Fitzhugh held a press conference in which he expressed wonder that the Pentagon works at all, which gained him the reputation for having smitten the Pentagon. *The New York Times* and other leading journals hailed the "new critic of the Pentagon." The press, TV, and radio consensus was that the Fitzhugh Report was not a whitewash after all and that those who had said it would be should take it all back and be ashamed of themselves.

A Bountiful Grace

The Fitzhugh Panel grew out of controversies in the spring of 1969, when the Department of Defense was beset by trouble from all sides—including embarrassing probes into the Pentagon's sordid procurement mess and the enormous waste of military spending programs. Secretary Laird was hopping mad about the bad press which the big procurement programs were receiving. On March 27, he wrote a letter to his assistants:

> I am increasingly concerned about allusions in the press and elsewhere to runaway costs on such key or major programs as the C-5A.

He then went on to ask for suggestions:

> What sorts of actions on DOD's [Department of Defense] part can be taken to thwart or ameliorate the continuing adverse commentary on program costs and suspect technical effectiveness?

Soon the decision was made to employ the hoariest trick in the bureaucratic book. A panel would be appointed to study the problem, and all the trimmings of the study commission syndrome were used. The establishment of the group was announced with flourish by the President himself. The panel was to have a year to complete its work, which would buy valuable time to mend fences and dim the public memory of the then-fresh horror stories (the current White House staff is generally believed to be dedicated to the proposition that the public memory is about three weeks long). The scope of the panel's study was broadened to include the structure of the entire Defense establishment, which helped dilute the attention given to the spending control issue. Finally, the panel was composed of individuals who either knew nothing about military procurement or were beneficiaries of current practices.

In the year of grace bought by the Fitzhugh study, the Pentagon's big spenders have done a remarkable job of strengthening their coalition of supporters. Until last year, most of the burden of selling the big military programs had been borne by Pentagon officials and their larger suppliers, the classic military-industrial complex. However, since then all the principal beneficiaries of the process have been organized into a spending lobby of awesome power.

True, the Congress has cut the Pentagon's spending requests in each of the last two years. Last year Representative George Mahon's House Appropriations Committee cut the Pentagon's requests by more than $5 billion and has cut about $2 billion more this year. In the first critical debates and serious floor challenges in my memory, the Pentagon has been in logically and morally vulnerable positions on most issues subjected to questioning. Yet, they have won almost every open fight and have avoided outright terminations of their most militarily suspect and most expensive programs. Most of the cuts have been "stretch-outs," or reductions of funds and planned quantities on still-active programs.

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Despite public statements deploring excessive military spending, the biggest banks in the country lobbied vigorously and effectively for specific programs, particularly for congressional action to finance Lockheed's C-5A overruns. With jobs scarce, big political labor has joined the gaggle, lobbying to protect big military spending programs. AFL-CIO bigwigs have been particularly candid in their pitch. They want jobs, period. They lobbied especially hard for ABM expansion and C-5A overrun financing. With a few notable exceptions, the business community is now either pumping for more military spending or is silent.

All in all, the Pentagon has done a remarkable job of organizing a broader new military spending coalition. This is one product of the Fitzhugh Panel grace period, and another is the report itself. Let's consider what we obtained by waiting for the report's recommendations, beginning with those on the organization of the Pentagon.

Smoothing the Wrinkles

This section of the report was highly advertised as strengthening civilian control of our military establishment. Its salient feature was the recommendation to remove the Joint Chiefs of Staff from immediate control of military operations. Presumably, this responsibility was to be assigned to an individual "drawn from civilian life." Political and press reaction to this feature was overwhelmingly favorable. Many liberals were ecstatic, forgetting for the moment that we already have civilian control in the persons of Senator John Stennis and Representative L. Mendel Rivers. They will be disillusioned to learn that the new post of chief of the Pentagon's military operations section has been filled by the chairman of the Joint Chiefs of Staff. This possibility was suggested by Fitzhugh himself.

So the most widely heralded organizational recommendation has amounted to exactly nothing. Admiral Rickover, among others, has been predicting this for months. Speaking of the Pentagon's civilian and military bureaucrats' propensity to fake corrective actions by reorganization, he said, "Every time they have trouble, they change the organization. Generally, they change the telephone numbers." The Admiral, a longtime bureaucrat-watcher, recognized early on that the Pentagonists would not even alter the historic pattern or sequence of bureaucratic protective reactions. He knew that nothing would really change.

However, in the present instance, this is not quite the case. Things are not the same, for the Fitzhugh Report contains many other organizational recommendations, some of which actually make things worse.

One example affects the principles of internal control in procurement. Sizeable businesses usually keep separate the functions of generating requirements for purchases, placing purchase orders, certifying satisfactory delivery, approving invoices for payment, and issuing checks. This is done to minimize the possibility of collusion and defalcation. These func-

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tions have tended to be drawn together in the Pentagon's big weapons development programs, supposedly for speed in handling contractual matters. In those few instances in which reductions in weapons costs have been made, the government contracting officers, or purchasing agents, have been independent of the government program offices. Program offices, the government's focal points for day-to-day management of military systems, generally view the government-industry relationship as a partnership rather than an arms-length buyer-seller situation. In several cases these contracting officers have used their independence and their considerable legal powers to very good effect.

In any event, it has long been an article of faith among the larger military contractors that government contracting officers should be placed under the direction of the program offices, where they would be more "responsive" and would be more "understanding of industry problems." Key industry associations, especially the AIA (Aerospace Industry Association) and the CODSIA (Council of Defense and Space Industry Associations) have long favored this arrangement.

With knowledge of this background, I was not surprised that the Fitzhugh Report recommended giving the government program manager directive authority over the contracting officer. Still, it was an incredible recommendation for a businessman to endorse.

A second example of a poorly considered organizational recommendation comes from the data processing section. In 1966, when I first became alarmed at the C-5A's state of health, I was assisted by an extremely able Air Force officer, Colonel Joe Warren. Colonel Warren had a fine war record and an outstanding record as a manager. He was perceptive and fearless enough to write and sign the first report which stated bluntly that the C-5A, then called "a miracle of procurement," was a disaster. Within days after he submitted this report, Joe Warren was found to have absolutely unique qualifications to be Air Attache in Addis Ababa.

The purpose of this move was outrageously apparent, of course, and friends of Warren fought back. Robert Anthony, then Comptroller of the Defense Department, came to the rescue with a higher priority job in his office, and Colonel Warren's Ethiopian assignment was cancelled. The Defense computer operations were a shambles, and Joe Warren was assigned to do something to improve them.

He found computer utilization to be under 50 per cent (the Fitzhugh Report acknowledges 50 to 60 per cent now), with much of the work being done of doubtful value. The Pentagon clearly had far more computers than needed, and more were being bought. Justification procedures for buying more computers were a sham, and symptoms of political shenanigans abounded. After many adventures, Joe Warren succeeded in putting some teeth into justification procedures. Moreover, he used the procedures in several instances to block poorly justified proposed acquisitions altogether and to send applicants back to the drawing boards.

The computer industry, which needed new business, was collectively furious. Their analysis of their problem was excellent. The problem was Joe Warren, and the solution was reorganization, using the Fitzhugh Report as a vehicle. And the report did recommend reassigning responsibility for Joe Warren's function to a civilian assistant secretary, citing procurement delays as a major problem. Interestingly, even though the report acknowledged low equipment utilization, the possibility of over-buying was not even discussed.

Discovering the Old Non-Policy

Most of the Fitzhugh Report's favorable publicity was focused on the recommendations for acquiring big new weapons systems. "Fly before you buy" was the keynote recommendation. This "breakthrough" was trumpeted around

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the world. This was more than just a recommendation, according to the flacks' news releases. The press accounts said the panel had simply confirmed a policy already adopted by Secretaries Laird and Packard. *The New York Times* wrote:

> The panel's recommendation of procurement was, in fact, somewhat redundant, since the Pentagon, under Mr. Laird's direction, had already adopted the general policy of developing prototype weapons and making certain they worked before going into production.

Indeed, the panel's recommendations in this area do appear to be closely related to Packard's policy guidance memorandum of May 28, 1970. In turn, Packard's memo was a restatement of his general guidelines issued shortly after his arrival in the Pentagon. He said: "The most important consideration before moving into full-scale production on a new weapons system is to have assurance that the engineering design is completed, that all major problems have been resolved, and this has been demonstrated to the extent practical by actual performance testing."

Now, as far as this goes, it is hard to argue with. It is particularly attractive if coupled with a further objective of retaining competitive options as long as possible. It's neither a new idea nor an untested one, but it's a good suggestion nonetheless. If this had been the report's only recommendation, and if the Pentagon had followed it in good faith, the taxpayers would have gotten their money's worth from the Fitzhugh Panel.

Senator William Proxmire tested the Pentagon's sincerity when he introduced an amendment calling on the Pentagon to report its loudly announced policy, just to report after the fact on whether the policy had been followed.

Laird, Packard, Stennis, and Company opposed Proxmire fiercely. They said that his proposal was "premature," despite the fact it supposedly had been their de facto policy for more than a year, and formal policy for almost three months. Laird said that "it would eliminate flexibility in acquisition strategy," notwithstanding the fact that Proxmire's amendment required only an after-the-fact report. In short, the Pentagon had no intention of really following the practice if it could be avoided.

This was not news to Proxmire, of course. For one thing, he had the hard evidence of the Pentagon's recent past and future commitments to buy before flying in almost every big program. Furthermore, his subcommittee for economy in government had heard testimony on the subject from the three Assistant Secretaries of Installations and Logistics (procurement) in May, 1970. Two of the three dismissed fly-before-you-buy (FBYB) as impractical. Why? Because it did not provide adequate contractor employment during the interval between completion of the prototype and beginning of production. As most of us know by now, providing employment is a major objective in most cases. In some cases, it is the name of the game.

It is strange that the Fitzhugh Panel did not address this question except in their vague endorsement of the old industry chestnut of "maintaining a viable industrial mobilization base," whatever that is. Since the procurement chiefs' objections to FBYB were well known long before the panel's report was issued, it seems the panel should have dealt with the objection if it really anticipated adoption of FBYB.

Throw the Babies Out

It is also strange that the panel, while giving lip service to improving the engineering definition of new weapons with FBYB, summarily dumped the Pentagon's established procedures for contract definition. These procedures call for thorough studies of proposed new weapons systems aimed at ensuring that big, expensive systems do not involve undue technical uncertainties. Most students of the process would agree that contract definition as carried out under existing procedures is too laborious and too dependent on paper studies. However, these procedures contain good features, too,

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and the chief problem has been a lack of enforcement. Fitzhugh has thrown out the baby with the bathwater. With existing contract definition procedures abandoned and with FBYB revealed as a public relations ploy, the Pentagon is left bankrupt with regard to advance definition of contract baselines.

But then, the Pentagon has long advocated what used to be called "the rubber baseline." This permits plans to be progressively modified to approximate actual performance, a comfortable operating mode.

A look at the Pentagon's recent history and future plans for FBYB should have tipped off a prudent man not to place heavy dependence on such documents as Packard's policy memo, as Fitzhugh apparently did. Last year, Congress and Secretary Laird vied for credit for "killing" the production program for the Navy's new F-14 fighter until the plane could be flown long enough to work out the bugs. Yet during the year, in closed hearings and before the plane had flown, Laird requested and received approval to begin spending production money. Similarly, the Air Force's new fighter, the F-15, is not following FBYB, nor is the ABM or any of the big new ship programs, such as Representative Stennis' Mississippi-built DD963 destroyer, or the larger tank programs such as the Sheridan.

In seemingly contradictory recommendations, Fitzhugh endorses "flexibility in selecting [the] type of contract most appropriate," but then unequivocally endorses "a prohibition of total package procurement" (TPP). In the latter case, I believe he is again abandoning a lot of good but unenforced features to get rid of a few bad ones. There have been three basic problems with total package procurement in the past. One, the initial contract definitions have been inadequate and vague. Two, the government has repeatedly demonstrated its unwillingness to enforce the contracts. The contractors know this and behave accordingly. Three, the TPP fixed-price incentive contracts have been effectively converted to cost-plus contracts, with full application of the repricing formulas, or "golden handshake" clauses. All the principal Air Force TPP contracts were flawed by the repricing formulas. Commenting on Lockheed's C-5A package, Bernard Nossiter wrote in *The Washington Post:*

> If Edward Lear and Salvador Dali had collaborated on an economic text, they might have come up with the contract that the Air Force has made with Lockheed for the big C-5A jet transport.

As things developed, the C-5A contract really was grotesque. Lockheed found that their actual costs on the first order of C-5As would probably exceed the ceiling price of their contract, which would result in their losing money on the first order alone. But overruns over the ceiling price of the first order triggered repricing of the second order, and Lockheed could use the repricing formula to reduce overall losses by overrunning even further.

I was quite close to the three major systems bought under TPP contracts; the C-5A, SRAM (Short Range Attack Missile), and the Maverick tactical missile. Both the missile programs would have been ideal for competitive prototypes. Under this approach, two or more contractors would build prototypes, these prototypes would then be tested competitively, and the winner would get the contract. However, they were not unreasonable applications of TPP. The C-5A was a good application of TPP, despite current wringing of hands. Getting commitments on production prices during initial competition is a good idea. After all, the airlines buy new airplanes of similar complexity this way routinely. The difficulty was that the C-5A TPP had the reverse incentive of the repricing formula built in, the Air Force did not have the fortitude to enforce the contract, Lockheed knew this, and both Lockheed's technical promises and their sloppy cost control were predicated on their accurate as-

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sessment of Air Force intentions.

Rather than plugging the loopholes in TPP, Fitzhugh would throw it out altogether. Again, this looks bad, until you read what he *does* recommend.

How to Bore a Loophole

The report endorses level-of-effort contracting, which is another way of saying that the contractor's product is man-hours expended. Under this plan, the contractor has no real commitment to deliver anything, much less a necessity to excel. The same holds true for the present yearly $700-800 million of independent research and development (IR&D) grants for larger contractors. I can't think of any weapons system invented under these grants. Apparently, neither can Senator Stennis' committee, which, along with Senator Proxmire, has questioned the size and wisdom of the grants. The Fitzhugh Report is vague on the handling of the IR&D subsidy, but it is critical of congressional questioning and appears to endorse the present no-strings-attached grants.

Fitzhugh also endorses parametric cost estimating for procurement. This approach builds in, and indeed amplifies, mistakes and inefficiencies of the past in establishing prices for new procurements. While the parametric, or "will cost," approach to estimating has some application in projecting funding requirements, the "should cost" approach is infinitely better in procurement if one is interested in saving money. (A distinction should be drawn between saving money and eliminating overruns as such. In theory, at least, overruns could be eliminated by making initial estimates fat enough to accommodate shoddy engineering and bad management. This would not save money. On the other hand, demanding but attainable estimates are a first step in the series of management actions needed to cut costs.)

The "should cost" approach, which seeks to identify and eliminate "fat" in cost estimates, has had considerable publicity of late. In a good move, the Army rediscovered this old-fashioned, hard-nosed approach. According to testimony before a Joint Economics Committee subcommittee in May of this year, its first "should cost" study identified about 34 per cent of the contractor's proposed cost as "fat," or potential savings. Based on my own experience, this is about what should be expected on small weapons programs such as the Army's pilot program, the Hawk missile. Large weapons programs are usually much fatter. Naturally, the large contractors and industry associations oppose "should cost" and endorse "will cost" pricing. The latter approach is, of course, a comfortable, congenial, and gentlemanly approach. It is also ruinously expensive. Under the "will cost" approach, ever-increasing prices are mathematically justified and everybody wins except the taxpayers, who are generally ignorant of the process and consequently do not complain. Fitzhugh's endorsement of "will cost" or parametric pricing delighted the military spending coalition.

"Secretary Laird, Meet General Lard"

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Despite acknowledgments of "poor management" in weapons contracts in public statements by Packard, Fitzhugh does not mention this unpleasantness. He says nothing about overhead increases, declines in labor efficiencies, or the like. He ignores the fact that the Pentagon does not know whether its giant contractors are overrun or underrun on work done through a point in time, nor does it know the specifics of any deviation from plan. That is, it doesn't know whether overruns are traceable to increases in labor, material cost, or overhead expenses. Most hot-dog stand owners would know, but the Pentagon and its large contractors have barely a clue.

These omissions are apparently the result of the panel's assumption of a trend toward fixed-price contracts in which the contractors would have more responsibility and in which the government's need for monitoring would be reduced. The report states the assumption boldly:

> During the past decade, the trend in government contracts for developments has shifted markedly from cost-plus-fixed-fee toward fixed-price contracts, many of which have embodied incentive features.

They are simply dead wrong here. The C-5A airplane and Cheyenne helicopter contracts are to be converted to cost reimbursement. The new programs such as the F-14 Navy fighter, the F-15 Air Force fighter, and the B-1 bomber are starting out as cost reimbursement (cost-plus) contracts. The trend is in the opposite direction from fixed-price contracts.

Even if the Administration were serious about its fly-before-you-buy policy, the effect of other new policies could dissipate any possible savings. Starting with a cost-plus development contract, then negotiating the follow-on production contract without competition and with pricing based on past actual cost rather than "should cost," prices of weapons will be even more bloated than at present. True, the *appearance* of overruns will be avoided by having contract prices adapt to actual costs, but the taxpayer will have to pony up additional money just the same. He'll feel better about it, though, because he won't realize what's happening to him.

Another of Fitzhugh's recommendations is to abandon the Selected Acquisition Reports (SAR), the quarterly reports on status of weapons systems programs. The Fitzhugh Panel comments that the SARs "measure subsequent events in the development against the standard of the original estimate." Deviations from the plan require explanations and, according to the panel, this produces further ill effects:

> These explanations in turn generate further detailed examination of deviations by the Department [of Defense] and especially by the Congress. All this has led to an understandable but nonetheless undesirable rigidity on the part of the project manager to stay as close as possible to the cost and schedule as originally estimated.

Clearly, this will never do. If this kind of factual exposure is allowed to continue, the taxpaying natives may get restless.

The Missing Hustle Factor

The most serious omission, perhaps the most serious shortcoming of the entire report, is the failure to deal with the problem of the motives involved in arms procurement—motives which often lead to lucrative but dishonest collusion. Maybe Fitzhugh and other nice men like him just can't believe the people in the Pentagon really have poor intentions. Maybe they don't understand that Pentagon managers are not motivated by the profit and loss goad which is so effective in the competitive business world. It must really be hard for them to believe that Pentagon managers work hard at devising ways to take a dive, to throw the game, in contract negotiations with giant firms. Anyone who has any doubts about this should go over the Air Force's

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plan for making Lockheed well again, which was outlined in a set of 25 "Official Use Only" briefing charts dated August 31, 1970. After hiding the C-5A overruns, admitting they falsified government reports to protect Lockheed stock prices, and juggling figures to "avoid the appearance of excess profits on Run B" (the second order of C-5As), the Air Force came up with a masterpiece. In summary, here's what they proposed to do:

1) Lockheed would agree to accept a "fixed loss" (an indefinite amount but a fraction of their loss otherwise), which would be lent back to them with repayment to begin in 1974 *if* the Pentagon should choose to ask for repayment, and *if* the Pentagon wouldn't choose simply to give Lockheed more money.

2) The Pentagon would remove contractual ceilings on Lockheed's expenditures.

3) Lockheed would be absolved of guaranteeing the performance of the airplanes and of managing the program.

4) Penalties for substandard performance and late delivery would be removed.

5) Lockheed and the Pentagon would agree to circumvent the normal legal procedures designed to protect the taxpayers.

6) The Air Force would get whatever number of C-5As Lockheed chose to produce.

To me, the Air Force's bail-out plan is evidence of the Pentagon's collapse of will in dealing with its giant contractors. If the Lockheed bail-out precedent is established, how can the Pentagon *ever* hold a large contractor to his commitments? What is the significance of any procedural or organizational reform if the overall intent problem is not solved? If the government's policy is to accept whatever the giant contractors produce and give them whatever money they need, why should managers of these big firms concern themselves with making quality products, with meeting specifications, and with holding costs down?

In justice to Lockheed and the C-5A project, I should acknowledge that other large recipients of contract funds generally get the same kid-glove treatment in dealings with the Pentagon. The F-111 airplane, the Mark II avionics system for the same machine, the Minuteman II missile, the SRAM, the MBT-70 tank, the Mark 48 torpedo, and numerous other projects failed about as badly as the Lockheed's C-5A program. None met their original specifications, and all were vastly overrun. Nevertheless, none of the large prime contractors has suffered unduly as a result of their failures.

Lockheed is just unlucky. Usually the bail-out is accomplished routinely, though somewhat clandestinely, through the simple mechanism of contract changes, known in the trade as "contract nourishment." Publicity, along with the enormous sums of money involved, is making the Lockheed bail-out more difficult.

A Jury of Defendants

I am at a loss to explain the Fitzhugh Panel's failure to deal with the problem of intent. It is completely beyond me how any reasonably intelligent group of experienced businessmen could spend a year studying the Pentagon's Augean contracting mess without even speculating about the possibilities inherent in enforcing contracts with large firms. One popular theory is that the panel missed the major causes of the Pentagon's procurement mess because the study was planned that way and was staffed to guide the report to its bland outcome.

The business connections of the panel's members do not inspire confidence in their objectivity, to say the least. Shortly after the panel was formed, Senator Proxmire let loose a blast at the panel, charging that there were apparent conflicts of interest on the part of panel members. The specifics are worth reviewing.

The chairman, Gilbert W. Fitzhugh, was not only chairman of the board of the Metropolitan Life Insurance Company but also a director of the Singer

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Company. Metropolitan Life held over $34 million in common stock of 24 of the 100 largest Pentagon contractors, and had outstanding loans of $1,325,000,000 to 24 of the top 100 military contractors. The Singer Company also held military contracts. Fitzhugh resigned his positions with these companies, temporarily at least. He is now back in the harness at Metropolitan.

Next on the list was Robert C. Jackson, chairman of the board of Ryan Aeronautical Company. At the time of Jackson's appointment, Ryan held military contracts worth $293,158,000. Jackson also held memberships in the Air Force Association, the Navy League, the Army Aviation Association, and the Defense Orientation Conference Association, all of which are self-interested and outspoken supporters of Pentagon activities.

Following Jackson was Lewis Franklin Powell, Jr., whose Richmond law firm, Hunton, Williams, Gay, Powell, and Gibson, represented Newport News Shipbuilding and Dry Dock Company, then the 34th largest military contractor with $181,309,000 in contracts. Powell did merger work for the company and represented it before the Virginia General Assembly. He was also a director of the Chesapeake and Potomac Telephone Company, which holds $13,018,000 in military contracts. Powell was an Air Force intelligence officer at one time and was a reserve colonel when appointed to the panel.

Ruben Mettler was executive vice president, assistant president, and a director of TRW, Inc., which held $127,467,000 in military contracts. Mettler was also industry vice chairman of the Industry Advisory Council, a joint Pentagon-contractor group which functions as the board of directors of the military procurement community. Mettler was with Hughes Aircraft, another top contractor and then became a special consultant in the Defense Department. He went to TRW in 1955.

Wilfred McNeil was a Pentagon employee from 1941 to 1959, during which time he was released from active duty from the Navy with the rank of Rear Admiral. As a civilian, he reached the position of Assistant Secretary of Defense and Comptroller. He was a director and adviser of Fairchild-Hiller Corporation when appointed to the panel. Fairchild-Hiller had $121,259,000 in contracts. He was also a member of the Lower Manhattan Advisory Board of the Chemical Bank, which had extensive loans outstanding to Pentagon contractors. McNeil was then a member of the Navy League and past president of the New York state division of that organization.

William Blackie was the board chairman of Caterpillar Tractor Company, which held $42,753,000 in defense contracts. He was also a director of Shell Oil Company, which held $32,754,000 in defense contracts.

Following Blackie was John Maurice Fluke, president of John Fluke Manufacturing Company. His company held $1,472,000 worth of defense contracts.

George Champion followed Fluke on the contractors list. Champion was a director of the International Paper Company, which held defense contracts totaling $665,000. He was also a director of American Smelting and Refining Company, which held $448,000 worth of military contracts. Champion's major position was his board chairmanship of the Chase Manhattan Bank, also a big lender to the military contractor community.

Next was William Clements, Jr. Clements was chairman of SEDCO, Inc., which held $93,000 in military contracts. Additionally, Clements was chairman of the board of governors of Southern Methodist University, which held $735,000 worth of military contracts.

These eight panel members, representing a majority on the 15-member panel, had official positions with 12 different companies which held a combined total of at least $1,021,902,963 in military contracts.

Further objectivity was lent to the

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panel by such members as Joseph Kirkland, secretary-treasurer of the AFL-CIO when appointed, and Hobart Lewis, president of Reader's Digest.

J. Fred Buzhardt, was the administrative officer of the staff. He is a graduate of the United States Military Academy. He spent eight years as a staff member with Senator Strom Thurmond. During that time, his biography stated, he was "assigned largely to work with staff of Senate Armed Services Committee and Military Preparedness Sub-Committee." At the time of his appointment he was on the Pentagon payroll as a special assistant, and he is now General Counsel to the Pentagon.

The apparent domination of the panel by individuals with Pentagon contractor viewpoints makes the suspicion of bias unavoidable. This suspicion is heightened by the fact that most of the actual work of the panel's review was done by Pentagon employees or by Stanford Research Institute and other Pentagon contractors. So far as can be determined, the Pentagon paid all the bills.

Who Will Rinse the Whitewash?

When Senator Proxmire revealed the business connections of the panel members last year, he predicted a whitewash in the report of weapons acquisition activities. According to *The Washington Post*, Fitzhugh responded with the hope that the panel's report "would be judged on its own merits" and not on the make-up of the panel.

They have flunked the course on both counts, at least in the procurement area. The report is a whitewash written by whitewashees. Defenders and beneficiaries of the mess are still trying to cure it by pouring money on it, then scratching dirt over it. Once the slogans are disposed of (fly-before-you-buy and civilian control), the Fitzhugh Panel's report amounts to such a non-solution.

With all this, it is tempting to write off the whole Fitzhugh Panel effort as just another of the endless series of bureaucratic anesthetics for the taxpayers. From my point of view, there is only one reason to reserve judgment on the final outcome of the whole episode. That reason is the man himself, Gilbert Fitzhugh. He seems sincere. He has a fine reputation to protect. It is possible that he was used by the self-serving authors of the incredibly bad weapons acquisition recommendations. After all, he did state early in his review that he knew little or nothing about the process. He has now been educated by some of the country's most successful participants in the Pentagon's on-going procurement swindle.

If I were in Fitzhugh's position and had not been a knowing party to the whitewash, I would be extremely annoyed to learn that I had been used as a patsy. I would take a hard second look—and consider things like the hustle factor and the problem of honest contract enforcement with large corporations.

It would be most refreshing to see a businessman make some businesslike recommendations for a change: like objective evaluations of true need for the weapons in the first place; like writing sound, well-defined, binding contracts, with improved definition resulting from competitive prototypes where possible; like enforcing the contracts, even if some of the lodge brothers lose money occasionally; like finding ways to get more competition, both in initial awards and continuing programs; like negotiating tough prices, based on what the work should cost with the fat squeezed out; like keeping track of program status, and insisting that problems be fixed before they become national disasters; like controlling spurious get-well contract changes; like setting difficult, specifically quantified cost reduction goals for Pentagon managers; like fixing the Pentagon's rewards system so that those who underrun are promoted and those who overrun are disciplined (has *anyone* ever been fired for overrunning?).

The report wouldn't be hard to write. Let's hope Gilbert Fitzhugh writes it.■

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Memo of the Month:

Cleaning Up at Commerce

OFFICE DECOR GUIDELINES

Neat and attractive working space contributes to high morale and increased employee productivity. Our new offices in the DOC Building present a neat and business-like appearance and must be kept that way. I am sure each of you shares the Administrator's enthusiasm for cleaning up working areas.

To assist in this, the following simple guidelines have been prepared:

1. Records and files not required for frequent use should be transferred to General Files or identified for disposal.
2. Unnecessary furniture and equipment should be reported to the Office of Administrative Services for removal.
3. File cabinets should be kept clear on top. Files not in use should be in file cabinets.
4. Desks, tables and bookcases should be kept neat. Bookcase tops and window sills should be kept clear.
5. Personal mementos and plants should be in good taste and kept to a minimum.
6. To avoid a cluttered appearance, no office wall should contain more than one large or two small pictures, maps, etc. All such items should be in frames and properly hung. No items are to be fastened to the walls or doors with scotch tape, thumb tacks, etc.
7. Desk lamps should not be required, except in infrequent areas where lighting is clearly not adequate.
8. Office machines should be limited to those required for frequent use and should be covered when not in use.

Implementation of the above guidelines is the responsibility of each employee and his supervisor and should be completed as soon as possible. Visual inspections will be conducted periodically to determine our progress and will be reflected in a monthly report to the Administrator.

Your assistance in the above is earnestly requested.

GEORGE R. GRIFFITHS
Assistant Administrator
for Administration

September 10, 1970

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BOOKS:

Beyond Cleaver

A Review by Suzannah Lessard

Soledad Brother
The Prison Letters of George Jackson
Coward-McCann $5.95
Bantam $1.50

George Jackson is a product of that most prolific breeding ground of black revolutionaries, the California prison system. Ten years ago, when he was 18, he was accused of conspiracy in the armed robbery of $70 from a gas station. His lawyer told him that since he had a record—the usual ghetto youth's history of petty crime—nothing could be done and, though there was evidence of his innocence, he should plead guilty and throw himself upon the mercy of the court. He did, and received a sentence of one year to life. He has served 10 years now. Last February he came into the public eye when he was accused, with two other black inmates, Fleeta Drumgo and John Cluchette, of the murder of a Soledad guard.

He emerges from obscurity transformed from a precipitous, despair-ridden adolescent into a man of knowledge, passion, and control, into a demon energy of absolute commitment, into a terrible prophet. His recently published letters of the last six years are his testament. They range in tone from icy clarity to anxious confusion, from love to anger, from intractable bitterness to generous and compelling warmth, documenting both the processes of the revolutionary mind and the full spectrum of feelings and awareness of a sensitive intelligent man who has been driven into a revolutionary position. Whatever the fallacies of the militant black movement, whatever the outcome, it is clear from Jackson's letters that in pitting himself against a society which branded him as a condemned man from the start he found salvation; that his strength, his refinement, even his capacity for growth are all the result of his adoption of, in his word, "antithesis."

Jackson went to prison in 1960: "I fell into this garbage can in a narcotic stupor and they just closed the lid for good." At that point the rigorous transformation began. Early on he met the new breed of black cons, the militants and the Muslims. He began to read—history, economics, Mao, Malcolm X, and later Cleaver. Though he did not become a Muslim (he didn't believe in prayer or submission) he learned from their code of pride and discipline, turned his powers, squandered up to now, to a

Suzannah Lessard is an assistant editor of The Washington Monthly.

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purpose and quickly became a leader in his own right. A strict regimen of exercise—from three to five hours a day—and study consumed his time: he learned to manage on three hours of sleep a night. He tackled Swahili, Arabic, and Chinese. And he thought. He became a formidable physical specimen—six feet two inches and 215 pounds of solid muscle—and developed a tough spiritual fiber, became a man who did not lower his eyes, did not even pretend to inferiority or guilt, the symptoms of rehabilitation. The new George Jackson became a legend in the California prison system—a black convict who refused to grovel. All these things got him into worse trouble than he had ever incurred on the streets.

Something should be said here about the institutions where Jackson served his time. Forty per cent of the inmates in the California prison system are black (although black people comprise only 13 per cent of the population). According to the testimony of countless inmates, and an official report* compiled by Senator Mervyn Dymally—chairman of the California Senate Democratic Caucus, who made a personal investigation at Soledad—the prison guards, greatly outnumbered by the inmates, divert hostility from themselves by encouraging the racist tendencies of the white and Chicano inmates and playing them off against the blacks. For instance, according to the report, "cell doors in the maximum security wing are intentionally opened by guards to allow interracial fights at three-to-one and six-to-one ratios, and guards smuggled weapons to favored inmates on that wing." Another custom is, in Jackson's words (and corroborated by the report), for "the more perverse. . . [to] save their excretions to throw in our cells as they walk back and forth to their shower and exercise. The

shit literally flies at us almost every day." Or for officials to assign particularly vicious racists to serve meals to the blacks, and in these instances the food comes mixed with cleanser powder, ground glass, feces, spit, and urine.

As Jackson has pointed out (in an open letter published in the *Village Voice*, September 17, 1970), every guard knows he is one of 40 men who must control thousands against their will. He knows that a large number of the inmates are probably schizophrenic-reaction cases and has been told that schizophrenics react principally to the uniform, not to the individual, so that, whatever his own policies may be, he incurs the hatred inspired by the behavior of all the other guards: "Although he can bring into play a superior arm, any one of the thousands streaming past him could be armed with a crude but lethal knife, club, zipgun with silencer . . . Although he controls the greater violence he can never relax. . . . Fear begets fear. And we come out with two groups of schizoids, one guarding the other." By conspiring with the white against the blacks, the guards develop a more flexible relationship with the whites, which enables them to exercise control by other means than sheer terror. But with the black inmate the guard has no bond. There is no leeway in their relationship; it is enmity from start to finish, the one containing the other

**Black Caucus Report*, "Treatment of Prisoners at California Training Facility at Soledad Central," presented to the California Legislature in July 1970. A copy can be obtained by writing to Senator Dymally, Legislative Office, State Capitol, Sacramento, California 95814.

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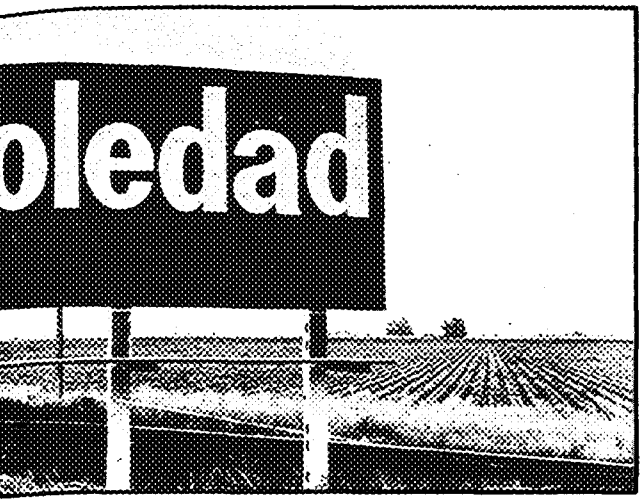

Camilla Smith

through force alone, with no exit for either. Any sign of recalcitrance, any break in the submissive demeanor therefore is terrifying to the guards and must be crushed instantly. Inevitably there are blacks who refuse to submit, and so inevitably the guards must be prepared to use ultimate tactics. If it comes to the crunch, every black inmate knows that all a guard need do is incite a white con to attack him, and then the guard, whose duty it is to break up fights, will have an excuse to shoot the black man through the heart.

Jackson looked the guards in the eye, failed to reassure them that he was afraid, and refused to be manipulated—refused to get involved in the brawls and set-ups out of which the guards made such capital. He stayed alive by exercising extreme and unwavering caution: he never allowed anyone to approach him unless he could see both their hands, avoided open spaces, and when he couldn't avoid them, kept close to cover in case the guards should try to use their guns. Unable to lure him into the customary traps, the guards could exercise control only by putting him in solitary—he spent seven of the ten years in isolation—and by seeing that year after year he was denied parole. (Parole boards make judgments largely on the basis of conduct reports filed by the guards without any supervision.) "No black will leave this place if he has any violence in his past until they see that thing in his eyes—you can't fake it—resignation, defeat—it must be clearly stamped across his face." Strangely enough, year after year, he continued to hope.

There are many aspects of Jackson's letters which explain his position and express the depth of feeling from which it springs, but his letters to his parents, particularly to his father, reveal especially vividly why he evolved this way and why he persisted in his behavior, why he could not even feign guilt and defeat in order to strengthen his chances of getting out. He had rejected entirely the politic submissiveness of his father, because he knew it was that very policy and the state of mind it engendered which allowed a system of racial oppression like that at Soledad to persist. Black acquiescence was, he knew, a major obstacle in the way of black liberation.

Those letters encapsulate the struggle between two generations of black Americans—those who would cast their lot with the system despite its abuses and the spiritual cost, and those who find the black role in the society intolerable—worse than imprisonment, worse than death. It is clear from the letters that Jackson's parents resisted any suggestion that they had been treated unjustly or that their life had not been rewarding, and they communicated to him their fundamental assumption that George continued to be punished because he continued to do wrong. The son retaliates with patience and exasperation, careful argument and bitter outburst. Cruelly he reminds his father of the dark, garbage-strewn alley they lived on in Chicago, of the labor his wife had to endure—"all of us hungry, if not for food—the other things that make life bearable"—and asks him where is the "good life" and the freedom he is always talking about: "I know you have never been free. . . . How do you think I felt when I saw you look around and see your best efforts go for nothing—nothing. I can count the times on my

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hands you managed to work up a smile."

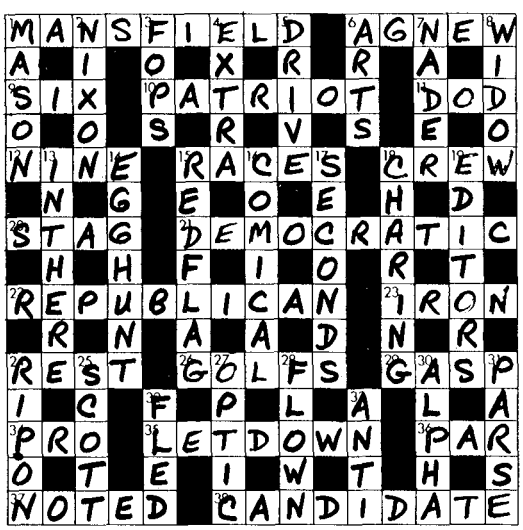
Implicit in the struggle of the militant son with the submissive father is an indictment, a sense of betrayal, of having been failed by the parent, and occasionally over the years George lashes out in bitter anger. After his father has written the authorities that his son is "bent on self destruction"—a letter which the officials triumphantly showed George and used as an excuse to put him in a cell with the lock welded closed—he calls the father an Uncle Tom outright: "All my life you have betrayed me. . . . I will never forgive you. . .never trust you again. . . . Father against son, and brother against brother. This is truly detestable. You are a sick man." To a friends he writes: "You see some one failed before me, trembled and failed, my father, his father, leaving Campbell (the judge at the pretrial hearing in the murder case) in a position to rule me out."

The tug of war between Jackson and his parents must be one that is going on all over the country—wherever there is a Black Panther Party, wherever black militancy has taken root. No doubt many just cut themselves off from their parents, and many more probably don't even have a father with whom to contend. But there is something classic about the struggle. It has implications far beyond these two individuals, and something necessary about it, too, for George persists after raging at his father, persists after telling his mother he has nothing more to say to her, begging them both, after his most vituperative outburst, for their sanction. "The same obligation you felt towards us I feel towards History" he wrote to his father. "I must follow my call. It is of great importance to me that you understand this and give me your blessings. I don't care about anybody else. I don't feel I must explain myself or be understood by anyone else on earth." It is a relationship based on conflict: loyalty to the very person you feel is your worst traitor, love for the embodiment of your worst enemy; the son instructing the father, berating him for not having instructed him, hating the father for releasing him into a vicious world without warning, bending all his strength towards redeeming the father from his condition. At the bottom the conflict is reduced to unanswerable anguish: "What is it that really destroyed my father's comfort, that doomed his entire generation to a life without content? What is it that has been working against my generation from the day we were born through every day to this one?"

Robert Lester Jackson exists in his son's letters only as a ghost without the power to reply, but he becomes vivid nevertheless, a weary downcast figure, worried, but like his son persistent in their relationship, writing back despite his fear of George's insistent demands, despite the rebukes, driving long nights from Los Angeles to visit.

Georgia, Jackson's mother, failed her son during the long years until the murder charge in much the same way as his father did. But she comes through not nearly as inadequate—perhaps because her son demanded less of her, perhaps because the role of the black woman is less debilitating than that of the male. It's in Robert Jackson anyway that one gets a fleeting but shocking glimpse of what has driven the younger blacks to

Answers to October Political Puzzle:



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rage—his weakness, his acquiescence, his worthiness cast away without a murmur on a life of slavish toil for which he received little more than abuse.

There is another recurring conflict in the letters—between Jackson's cerebral approach to the situation and his irrepressible emotional response. Early on he perceives that his fate had not been determined by his bad luck, by his personal disposition, but has been the consequence of a general condition—a crucial step towards a revolutionary position. It follows from this realization that the individual ego must be subjugated to the cause of changing the condition, and through the years he develops a frightening objectivity about himself, as though he is perfecting an instrument. Out of this comes the cold, perfected resolution, unnegotiable because the subject has written off his personal self, including his life. His goals are paradoxical: to be saint-like in his self-abnegating austerity and diabolical in his ruthless determination, at once supremely arrogant and perfectly humble, to make himself into superman, yet consider himself perfectly expendable.

But on the other hand is Jackson's regard for the people close to him: "This significant feature. . .redeems the revolution, alters the sanguine coloring of war and gives revolution its love motive." Jackson's affection for his parents, siblings, and friends—some white—comes through in his most bitter invective, a steady ground swell. He cannot repress it. It attaches itself to the tiniest concern and the largest. He wants more than anything to take care of his parents, to comfort them. Jonathan on the other hand, his younger brother by 11 years, he tries to instruct, tries to give what his father failed to give him. He calls him his "older brother," his "free self," his "manchild." As the years go by, these relationships become more intense rather than flagging, despite the constricting conditions under which they progress. They save George, they keep him human, and at the same time they are his greatest stimulus. They are utterly unideological, but they illumine what lies at the core of his political direction.

There is an abrupt change in the quality of Jackson's letters after he was charged with murder. It's not that he becomes harder or more extreme, but rather that he becomes a much larger version of himself. As a white liberal you can deal with the old Jackson; with the the new man there just isn't anything to say. He draws you in like a whirlpool and you either go or you don't.

This is how the murder charge came about.* O-wing is a maximum security section. For two months prior to the opening of a new O-wing exercise yard, the inmates of the wing had not been allowed to exercise together because of extreme racial tension. But on January 13, 1970, the day the yard opened, a group of 17 inmates, seven black and 10 virulently anti-black (there is some discrepancy about the numbers, but the ratio is roughly accurate by all accounts) were skin-searched for weapons and let out into the yard. A guard who was known as an expert marksman was stationed in a tower about 13 feet above the yard with a loaded carbine.

Predictably, someone yelled a racial slur (it is unclear from which side). Nolen, a black inmate, started toward the white side and a fist fight broke out involving about seven inmates. A whistle blew and then four shots were fired, about seven seconds apart. The shots hit Nolen first, then Cleveland Edwards and Alvin Miller (both black), and then a white inmate, Harris, who was shot in the groin as he ran away from the scuffle. Then the shooting stopped.

Miller was dead, but at least one of the other two blacks was still moving. A black inmate attempted to take one of the wounded to the hospital, but every time he leaned down to pick him up the guard shook his rifle. The hospital was right next to the yard, but about 15 min-

*This version of the story is based on the testimony of black witnesses. However, a fairly complicated series of events are involved, and there is very little variation in the accounts.

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utes passed until permission was given to carry the wounded inside. By that time both men had bled to death.

Before the shooting, the white guards and inmates had regularly taunted the blacks about the opening of the yard. At the time of the shooting, several white guards who had no real business there gathered on the catwalk. Furthermore, shortly before the opening of the yard, Miller wrote his mother a farewell letter and Nolen told his father that he expected to die soon. In other words, the shooting did not come as a complete surprise.

Four days later the District Attorney announced over the prison radio that a Grand Jury (no black inmates were allowed to testify at the hearing) had found the guard's action to be "justifiable homicide." One-half hour later a white guard, not the one who had done the shooting, was found dead in Y-wing, George Jackson's wing. Immediately everyone in the wing was put in solitary, and an investigation ensued. At the end of a week George Jackson, Fleeta Drumgo, and John Cluchette were singled out and kept in isolation for about a month, and at the end of that time they were formally accused.

They are, in my view, unlikely suspects. John Cluchette had a parole date for April. Fleeta Drumgo, according to those who know him, is a delicate, gentle person, psychologically incapable of the brutal act. And Jackson, the most militant of the three, seems for that very reason the least likely. I think it is clear from his letters that his ambitions are much too serious for him to have shot his bolt on this limited and fairly useless act of revenge—he is interested in change, not vengeance—that he still hoped to get out of prison in the near future, that he knew the guards were not the real villains, but sick men almost as much the victims of circumstances as the inmates. Finally, because they have technical "life" sentences under California law, both Cluchette and Jackson face mandatory death sentences if they are convicted.

During the period before the formal charge was made, the three were not allowed to communicate with their families and appeared in court twice without counsel and without their families' knowledge. Finally John Cluchette managed to get a note smuggled out to his mother, who managed to get in touch with Fay Stender, a lawyer, and she was present with John Thorne, Richard Silvers, and Floyd Silliman at the next hearing. They remain defense counsel for the Soledad brothers.

It has not, however, been smooth going since then. Before counsel had been obtained, a list of witnesses which John Cluchette had prepared to give to his mother was confiscated from him on the grounds that he could give written material only to an attorney—he didn't have one at the time. The list was later returned but the inmates on it had been transferred, and the prison for a long time refused to divulge where they had been transferred to. When the defense finally, by court order, was given the locations of the witnesses and went to interview them, they found them very reluctant to talk—it seemed obvious that they had been put under pressure. The defense was also not allowed to inspect the scene of the crime until an additional staircase had been built, making it very difficult to evaluate the testimony of eye witnesses. And finally, the defense was denied access to prison records, particularly those relating to the shooting of January 13th, although the prosecution had full access. Nor were they allowed to see the transcript of the preliminary hearing at which the accused had been indicted. The prosecution reasoned that such information in the hands of the defense might lead to retaliation against the inmates who had testified, and the judge sustained the objection. The transcript has since been procured and it turns out that the testimony of the witnesses is seriously conflicting, particularly with regard to who performed what function in the killing of the white guard.

Two small victories have been

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achieved: one when the defense demanded that Judge Campbell remove himself from the case because of blatant racial prejudice, and another when they asked for a change of venue to San Francisco. The latter was cancelled out, however, when on August 7 Jonathan Jackson attempted to kidnap a San Rafael judge.*

The *prosecution* then moved for a change of venue to San Diego on the grounds that the incident gave the defendants such bad publicity that a fair trial would be impossible. The defense asked instead for a continuance, contending that the San Rafael courthouse affair had received national front-page coverage and that effects would be just as strong in San Diego as in San Francisco, but they lost. It is one of the few times the prosecution has ever moved for a change of venue, but it's clear why they did: sympathy for the Soledad brothers is concentrated in San Francisco. San Diego, on the other hand, was described by Kevin Phillips in *The Emerging Republican Majority* as another Mississippi.

As though to preserve his identity against the threat of immediate annihilation, Jackson writes from the midst of this fresh onslaught more powerfully, and more humanly, than ever—as though to protect his sense of self in a treacherous and ambiguous situation he has had to redefine himself to match the

*On August 7, 17-year-old Jonathan Jackson entered the San Rafael courthouse where James McClain, a black prisoner, was being tried for assaulting a guard. He took a collapsible carbine out from under his jacket and said, "This is it, everybody line up." He then took some small guns from a flight bag and threw them to McClain and two black convict witnesses, Ruckell Magee and Bill Christmas. They took the D.A., three women jurors, and Judge Haley hostage, taping a sawed-off shotgun to the judge so that it pointed at his neck. Jonathan said, "Free the Soledad brothers before 12:30," and they left. Meanwhile a bailiff had slipped out to a phone. As they tried to drive away in a van they met a barrage of fire. Judge Haley was killed by the sawed-off shotgun, and Christmas, Jackson, and Magee were shot dead.

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NIXON AGONISTES
THE CRISIS OF THE SELF-MADE MAN

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odds. The letters dating from February to August 9, 1970 (about a third of the book) to Fay Stender, Angela Davis, and several other unidentified friends are without a doubt the cream of the collection and establish Jackson's superiority as writer-spokesman. There is a certain amount of Cleaver-like rhetoric in these which does not appear in the earlier letters, but while he is rather better than Cleaver at rhetoric—which I find boring in any event—it is the personal passages, those where he speaks for himself, which are most compelling and which express a whole new dimension of the black dilemma which has not until now been articulated. Jackson picks up where Cleaver left off.

Soul on Ice is essentially a bloody good rant, enlightening more in its shock value—the cultural turnabout and iconoclasm—than in its depth of analysis or revelation. Cleaver's energetic negativism about the society and his pounding unqualified assertion of the black perspective make for a basically political book, a credo which is by nature limited and exclusive. Jackson is inclusive. He goes way beyond the circumstances—a black man persecuted by a white system—to the broader human predicament. Where Cleaver throws you back on yourself because you are not black, not oppressed—and that has its value—Jackson draws you in through your shared humanity—and that, I think, has a far greater value. Cleaver gives you no time to breathe, drives you to the wall. Jackson breathes you in.

His range is extraordinary: hard-wrought sentences of anger, long unfolding sentences, short dense ones; the anxiety, the bewilderment, the knotty struggle with self, and the sad, reflective moments where everything else is suspended, when the long years of suffering flood back upon him, swamping his forward motion. "Last week, when I mentioned that I felt older than I am, I wasn't referring to my knees or elbows, back or hands, nor did I mean that I felt in any way wise. I feel old, Joan, in the sense that a paper target is old after about an hour on the Police Academy practice range. Used."

Because he is so intelligent, so personally sympathetic, and such a good writer, it is tempting to see Jackson as an extraordinary person who through flukes of fate has suffered incredible injustice but who, once free, will be just that—a wonderful talented person. It is tempting to try to make him acceptable. But though there is a minimum of fire and brimstone in his letters, one cannot mistake his message: he is in no way, to society as it now stands, acceptable, because he in no way accepts it. He does not see his fate as a fluke but as the inevitable consequence of a society committed to the violent oppression of an entire class against which non-violent resistance is useless. To Angela Davis he writes: "The shit is starting to thicken. Six in Georgia, two in Jackson, Hard Hats, counter-demonstrations, much like Germany in the thirties. That thing in Georgia and the one in Jackson were like turkey shoots. We die altogether too easy." And of the raid on the Chicago Panther headquarters during which Hampton and Clark were killed: "Do you have any idea what would have happened to those 15 pigs if they had run into as many Viet Cong as there were Panthers in that building?"

The situation has become not unlike the pernicious cycle which exists in the prisons, violence in response to violence, a progression without end. The particular chain reaction Jackson has become involved in is typical: first the shooting of the three inmates in the prison yard and the court's sanction triggering the murder of the white guard; the accusation of Jackson and the unjust treatment of him as an accused man, spurring Jonathan's attempt to kidnap the judge; the resulting death of Jonathan and his two colleagues, and of the judge as well; and in response to that the arrest of Angela Davis. The progression has hardly come to an end. The next stage is, of course, the trial of George Jackson, John Cluchette, and Fleeta Drumgo. The prospects look very grim. ■

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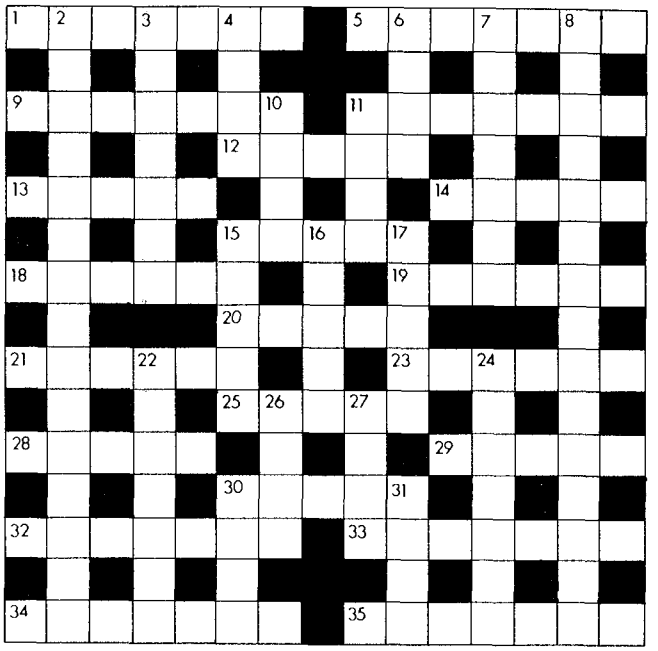
The Political Puzzle

by John Barclay



Across

1. Ike and Abe had one at Gettysburg. (7)
5. Taylor, Anderson, and Kramer, for example. (7)
9. Watch P. caress in close situations. (7)
11. This place is remarkable. (7)
12. Pests in front of Lincoln Memorial. (5)
13. Western and Soviet bond. (5)
14. Put you in the police for takeovers. (5)
15. Why should cherubs not be in crowd. (5)
18. A mature conqueror. (6)
19. Gets bids from no icy officers. (6)
20. This route goes to the limits. (5)
21. How this country opts to select leaders. (6)
23. Rotten way to put missing P in cites back. (6)
25. Organized way to steal election. (5)
28. I would make Alven's act forgivable. (5)
29. Pretend? Nope, this is real movement. (5)
30. You won't take off for the blue? Not I either. (5)
32. Key part of Southeast scene. (7)
33. Sea-sent diets. (7)
34. JFK follower demands little. (4,3)
35. Does this also mean poison-pen letter? (7)

Down

2. Big 1970 event disproves ZPG. (9,6)
3. Way to get rid of our date. (4,3)
4. Uses court to win point. (4)
6. Running these laps would exhaust anyone. (4)
7. Early feature of campaign or game. (4,3)
8. After 2 down, caught motor in paper net. (15)
10. Leader in cinematic arts. (4)
11. Pass time in resorts. (4)
15. Angry alone, helpful when red or blue. (5)
16. High frequency liberal. (5)
17. Stick with this to far shore, we are told. (5)
22. His support was stronger than Carswell's. (7)
24. Does it relate? If so, repaint. (7)
26. Descriptive tale of Mr. Apley. (4)
27. Politicians never forget old home site. (4)
30. A choice is better, we heard more than once. (4)
31. Where Nero got rid of his wife. (4)

The numbers indicate the number of letters and words, e.g., (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to this month's puzzle will appear in the next issue. Answers to last month's puzzle are on page 60.

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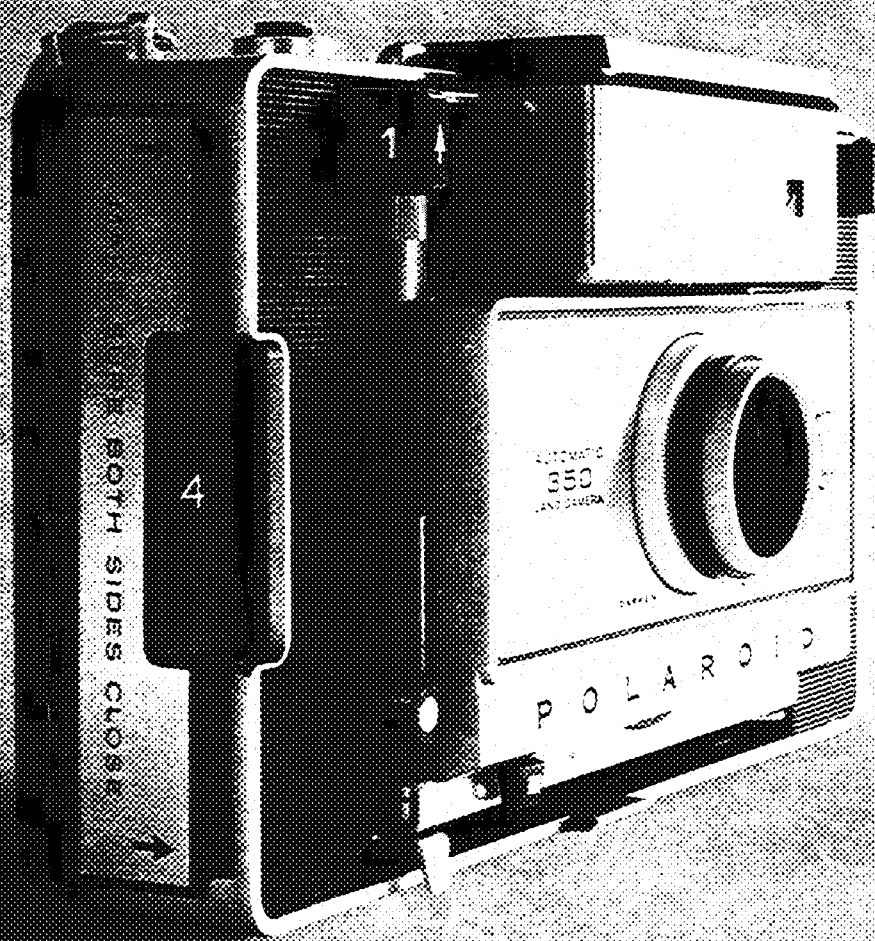

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